A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD OCTOBER 8, 2009 AT 11:00 A.M. IN WARRENTON, VIRGINIA

PRESENT Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;

Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,

County Administrator; Mr. Kevin J. Burke, County Attorney

ABSENT None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AND THE DISTINGUISHED BUDGET PRESENTATION AWARD

- Mr. Trumbo presented a Certificate of Achievement for Excellence in Financial Reporting to Janet Romanchyk, Director of Finance, and Finance Department staff.
- Mr. Trumbo presented the Distinguished Budget Presentation Award to Betty Brooks and other members of the Office of Management and Budget staff.

A WORK SESSION WITH THE VIRGINIA DEPARTMENT OF HEALTH TO DISCUSS THE IMPLICATION OF THE SWINE FLU EPIDEMIC

Dr. David Bradshaw, Director for the Rappahannock-Rapidan District, Kelly Southerland, and Kathryn Hatter of the Virginia Department of Health provided an overview of the seasonal flu virus and updated the Board of Supervisors on the implications of the current H1N1 flu pandemic.

<u>A WORK SESSION TO REVIEW A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-318.17-18, 5-1810, 6-102, AND 15-300 RELATED TO FARM WINERIES</u>

Kimberly Johnson, Zoning Administrator, provided a summary of the existing farm wineries in the County, the regulatory history of wineries and the existing Virginia Code provisions related to farm wineries. Additionally, Ms. Johnson provided an overview of the Planning Commission recommended version of the farm winery amendments to the Zoning Ordinance.

A WORK SESSION WITH SENATOR RICHARD H. STUART TO DISCUSS LEGISLATIVE MATTERS FOR THE UPCOMING SESSION OF THE GENERAL ASSEMBLY

Senator Richard H. Stuart discussed with the Board of Supervisors a variety of issues, concerns and priorities of the County that require legislative action by the Virginia General Assembly.

A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7) REGARDING SPECIFIC LEGAL MATTERS INVOLVING NICHOLS, ET. AL., V. BOARD OF SUPERVISORS, ET. AL., AND DOMINION'S REQUEST FOR ADDITIONAL RIGHT-OF-WAY ON THE THOMAS H. THORPE CONSERVATION EASEMENT

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving Nichols, et.al, versus Board of Supervisors, et.al, and Dominion's Request for Additional Right-Of-Way on the Thomas H. Thorpe Conservation Easement. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling

Nays: None Absent During Vote: None Abstention: None

Upon reconvening from the closed meeting, Mr. Trumbo moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 8th day of October 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

A WORK SESSION REGARDING THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY STREET ACCEPTANCE REGULATIONS – AREA TYPE THRESHOLDS

Frederick P.D. Carr, Director of the Department of Community Development, briefed the Board of Supervisors regarding the recently implemented VDOT Secondary Street Acceptance Requirements (Virginia Administrative Code; 24VAC30-92-10-140), and discussed the staff recommendation that a text amendment to Chapter 10 – Transportation of the Comprehensive Plan, be initiated that designates the specified Service Districts as "Compact or Suburban Areas" under the provisions of this Code.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Chris Robinson offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Trumbo led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Nyhous moved to adopt the agenda with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None
Absent During Vote: None
Abstention: None

- Remove Regular Agenda item #6, An Appeal of a Towing Board Discipline Matter Filed by Finish Line Towing.
- Remove Consent Agenda item #7 (j), A Resolution for Subdivision Street Acceptance for the Huntsman's Ridge Subdivision: Valeview Drive, Huntsman's Drive, Moccassin Lane, and Meadow Court, Marshall Magisterial District.
- Remove Consent Agenda item #7 (k), A Resolution for Subdivision Street Acceptance for the Woods at Warrenton Subdivision: Bald Eagle Drive, Cooper's Hawk Drive, Blue Heron Lane, Robin Lane, Swift Crossing, Redwinged Blackbird Drive, Barn Owl Court, and Bob White Court, Center Magisterial District.

- Add new Consent Agenda item #7(s), A Resolution to Authorize the Grant of an Easement Across Property Subject to a County-Held Conservation Easement.
- Add new Consent Agenda item #7(t), A Resolution to Authorize Danger Tree Removal on Property Subject to a Purchase of Development Rights Easement.
- Remove Regular Agenda Item #8, A Resolution to Amend the Proffers for the Vint Hill Economic Development Authority (Case Number RZ99-CR-07) as Related to Continued Access to Finch Lane and to Waive the Public Hearing Requirement Pursuant to Section 15.2-2302 of the Code of Virginia.

CITIZENS' TIME

• Jock Queen, Marshall District, disagreed with the Board of Supervisors' support of the proposed designation of Springs Valley as a rural historic district, stating that it was an injustice to residents who opposed the designation.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Stribling presented to Chief Tom Billington a Proclamation to Declare the Week of October 4-10, 2009, as Fire Prevention Week in Fauquier County.
- Mr. Trumbo presented to David Snyder a Proclamation Honoring Dr. David M. Snyder.
- Mr. Schwartz presented to Robert Dart a Proclamation Honoring Dr. Robert C. Dart.

CONSENT AGENDA

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None Absent During Vote: None Abstention: None

A Resolution Authorizing the Expenditure of \$2,000 for Consulting Expenses on the Catlett/Calverton Sewage Treatment Project

RESOLUTION

A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$2,000 FOR CONSULTING EXPENSES ON THE CATLETT/CALVERTON SEWAGE TREATMENT PROJECT

WHEREAS, the Catlett/Calverton Sewage Treatment Project has been in progress for decades without appreciable progress due primarily to the lack of a funding source; and

WHEREAS, the resolution if passed would allocate \$2,000 from the Board of Supervisor's Utility Fund Contingency Account for consulting services to help prepare a grant seeking funding for the project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That \$2,000 be, and is hereby, appropriated from the Utility Fund Contingency Reserve for consulting services to help prepare a grant seeking funding for the Catlett /Calverton Sewage Treatment project.

A Resolution to Amend the FY 2009 Adopted Budget by (\$202,828) and Amend the FY 2010 Adopted Budget by \$25,000

RESOLUTION

A RESOLUTION TO AMEND THE FY 2009 ADOPTED BUDGET BY (\$202,828) AND AMEND THE FY 2010 ADOPTED BUDGET BY \$25,000

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2009, the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on September 3, 2009, the Finance Committee recommended for FY 2010, a budget adjustment of \$25,000; and

WHEREAS, at its meeting on October 1, 2009, the Finance Committee recommended a FY 2009 de-appropriation of \$202,828, and FY 2010 transfers of \$3,449 from the Utility Fund Contingency and \$1,800 from the Contingency Reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the FY 2009 Budget be, and is hereby, amended in the amount of (\$202,828) and the FY 2010 Budget be, and is hereby, amended in the amount of \$25,000 as indicated on the attached summary.

October 8, 2009 Budget Action Summary

Requesting			Category		
Department	Action	Amount	From	To	Explanation
FY 2009					
School Nutrition Fund	De-appropriation	\$202,828	School Nutrition Fund	School Nutrition Fund Balance	Reconciles FY 09 School Nutrition Fund budget to reflect actual use of prior year fund balance.
FY 2010					
Human Resources	Wellness Initiatives	\$25,000	Miscellaneous Revenue	Human Resources	Appropriates annual payment from Anthem for wellness initiatives.
Board of Supervisors	Quantico Event	\$1,800	Contingency Reserve	Board of Supervisors	Transfers funding from the Contingency Reserve for expenses incurred for the September 9 Quantico Civilian-Military Social.
County Administration	Lee's Glen Slurry Sealing	\$3,449	Utility Fund Contingency	Lee's Glen Paving Project	Transfers funding from the Utility Fund Contingency for the Lee's Glen slurry sealing project.

Resolution Authorizing the County Administrator to Accept on Behalf of Fauquier County a Grant Awarded by the Virginia Office of Emergency Services

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT ON BEHALF OF FAUQUIER COUNTY A GRANT AWARDED BY THE VIRGINIA OFFICE OF EMERGENCY SERVICES

WHEREAS, the Fauquier County Department of Fire, Rescue and Emergency Management was awarded a grant to purchase 11,600 surgical masks to be used during a state declared pandemic by Fire and Rescue personnel. This grant is in the amount of \$6,960.00 and does not require any matching funds; and

WHEREAS, the purpose of these masks is to provide Fire and Rescue personnel with a readily available inventory of masks in preparation for a pandemic event; and

WHEREAS, it is the policy of the Board of Supervisors and Fauquier County that a Governing Body Resolution be done in order to accept these funds from the Virginia Office of Emergency Services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, any actions necessary for the purpose of obtaining state grant funds provided by the Office of Emergency Medical Services Financial Assistance Grant program and subgranted through the Commonwealth of Virginia.

A Resolution Directing the County Administrator to Schedule a Public Hearing on an Ordinance Establishing Article XIX of the Code of Fauquier County (Recycling Fee)

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON TO CONSIDER AN ORDINANCE ESTABLISHING ARTICLE XIX OF THE CODE OF FAUQUIER COUNTY (RECYCLING FEE)

WHEREAS, Virginia Code §15.2-928 provides that a county may charge and collect compensation for the collection, management, recycling and disposal of solid waste; and

WHEREAS, the Fauquier County Board of Supervisors anticipated the imposition of a countywide recycling fee in its adopted FY 2010 budget; and

WHEREAS, on September 10, 2009, the Board of Supervisors reiterated its support for the implementation of a recycling fee; and

WHEREAS, when there are proposed additions or revisions to the Code of Fauquier County, the Board of Supervisors shall hold a public hearing to solicit the views of County citizens on the issue; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing on the proposed establishment of Article XIX of the Code of Fauquier County as follows:

ARTICLE XIX. RECYCLING FEE

Sec. 8-113. Purpose.

A countywide sanitary district for recycling services and a billing and rate system is hereby established to implement a recycling fee to provide for the collection and disposition of recyclable solid waste.

State law reference: Code of Virginia § 15.2-928.

Sec. 8-114. Levy; amount of fee.

In addition to all other fees of every kind now and hereafter imposed by law, there is hereby imposed and levied on each and every single-family residence, multi-family residence and business a recycling fee. This Article shall apply to all such developed properties in the district having improvements assessed at a value equal to or greater than \$10,000. The Board of Supervisors may annually levy a fee applicable to each such developed property within the district. The board may establish different fees for each classification of real property set forth herein.

Sec. 8-115. Classification of property for purposes of determining the fee

For the purposes of determining the fee, all properties in the district shall be classified into one of the following classes:

- (1) Single-Family Residential, to include individual residential condominium units and properties with a residence.
- (2) Multi-Family Residential, to include those developed properties having two or more residential units in the same structure.
- (3) Business, to include all commercial and industrial properties.

Sec. 8-116. Due Date

The fee established by this article shall be due not later than June 5 of each year.

Sec. 8-117. Use of Fee

All revenues from the fee shall be used for the purpose of funding the direct and indirect costs of recycling in the district.

Sec. 8-118. Interest and penalties upon failure or refusal to remit fee.

If any person shall fail or refuse to remit the fee required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such fee by the treasurer a penalty of ten (10) percent, and if the fee shall remain delinquent and unpaid for a period of one (1) month from the date the same is due and payable, interest shall be charged on the unpaid balance at the interest rate of ten (10) percent per annum. Such interest shall accrue on a monthly basis from the date on which the fee was due and payable.

Sec. 8-119. Powers and duties of the commissioner and treasurer generally; rules and regulations.

The commissioner shall ascertain the name of every person owning one of the categories of property liable for the collection of the fee levied by this article. The treasurer shall cause the fee to appear on the first-half real property tax bill for each property for which the fee is charged, as a separate line item, and shall collect and deposit the fee. The treasurer may in his or her discretion determine to send the bills for the fee separate from real property tax bills.

Sec. 8-120. Provisions of this article are severable.

The provisions of this article shall be deemed severable and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this article shall remain in full force and effect.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Ordinance to Classify Personal Property Owned by Middleburg Humane Foundation Exempt from Taxation

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY PERSONAL PROPERTY OWNED BY MIDDLEBURG HUMANE FOUNDATION EXEMPT FROM TAXATION

WHEREAS, Middleburg Humane Foundation is a 501(c)(3) organization owning personal property in Fauquier County; and

WHEREAS, Middleburg Humane Foundation has requested an exemption from personal property taxation in order to permit it to be better able to use its financial resources for charitable purposes; and

WHEREAS, prior to granting a charitable organization an exemption from property tax, the Board of Supervisors must conduct a public hearing and adopt an Ordinance granting the exemption; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider the request of Middleburg Humane Foundation for a personal property tax exemption.

A Resolution to Adopt the Board of Supervisors' Legislative Proposals for the 2010 General Assembly

RESOLUTION

A RESOLUTION TO ADOPT THE BOARD OF SUPERVISORS' LEGISLATIVE PROPOSALS FOR THE 2010 GENERAL ASSEMBLY

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2010 VACo Legislative Program; and

WHEREAS, from time to time, the Board of Supervisors may revise its Legislative Program to include additional legislative priorities and issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the Board of Supervisors' 2010 Legislative Program be, and is hereby, adopted as follows:

LEGISLATIVE PRIORITIES:

Education Funding

- ✓ Fauquier County supports fair-share State funding for public education to include the full funding of the Standards of Quality.
- ✓ Fauquier County encourages recognition by the Commonwealth that its current policy of using full assessed value in the calculation of the Composite Index penalizes localities that employ land use valuation, and is inconsistent with its land preservation goals and policies.
- ✓ Fauquier County seeks the establishment of an appeals process for local governments to challenge the computation of their Composite Indexes.
- ✓ Fauquier County seeks continued and increased State funding to assist localities with school-related capital costs.
- ✓ Fauquier County supports continued implementation of Cost-of-Competing funding.

Unfunded Mandates

✓ Fauquier County strongly opposes the continued imposition of unfunded State mandates upon local governments—particularly in the areas of the Standards of Quality, teacher salaries, increases in the local share of road maintenance, State and Federally-imposed environmental mandates and costs related to the Comprehensive Services Act.

Local Government Revenue, Land Use and Zoning Authority

- ✓ As a general policy position, Fauquier County opposes any measure that would eliminate or reduce any local government zoning, land use or revenue authority.
- ✓ Fauquier County supports the Commonwealth granting counties and cities the option, by action of the local governing body without a referendum, to adopt 0.5 percent sales and use tax to offset state budget reductions to localities.
- ✓ Fauquier County strongly supports equal taxing authority for cities and counties.
- ✓ Fauquier County supports the position of the Virginia Chapter of the American Planning Association on SB768. The County believes that local governing bodies are in the best position to determine which tools will work most effectively for each situation they face.
- ✓ Fauquier County supports the creation of fair and equitable impact fee legislation allowing localities to implement cash proffers and impact fees simultaneously, with provisions that give full credit for cash proffers agreed to in the rezoning process to any same-facility impact fee adopted by a locality.

✓ Fauquier County supports an expansion of local government taxing authority—particularly to generate revenue to fund necessary capital projects and infrastructure.

Purchase of Development Rights and Conservation

✓ Fauquier County supports increased State funding for the purchase of conservation easements and other land conservation needs.

Water Resources

✓ Fauquier County supports a comprehensive, State-funded study of the Commonwealth's surface and groundwater resources.

Libraries

- ✓ <u>Level Funding for State Aid</u>: Fauquier County opposes any reduction in State aid to public libraries beyond across-the-board cuts proposed by Governor Tim Kaine. In FY 2009, State aid was funded at 67% of the level mandated by the *Code of Virginia*. Any additional cuts in State aid to public libraries represents a serious threat to a program, which the Joint Legislative Audit and Review Committee (JLARC) found in 2001 to be effective in leveraging local spending and achieving cost efficiencies.
- ✓ New Approaches to Fund *Find It Virginia*: Fauquier County supports the development of a partnership between local public libraries, K-12 public schools, and the Commonwealth of Virginia to adequately fund the *Find It Virginia* electronic databases. The Federal funds currently used to support this important program are losing their buying power as prices from publishers increase. New approaches need to be developed to infuse State funding into this important and cost-saving program.

Transportation Priorities

- ✓ Fauquier County encourages the Commonwealth to address the annual shortfall of road maintenance funding, which continues to negatively affect capital funding for secondary roads and streets.
- ✓ Fauquier County supports adjustments to the formula for distribution of road construction funding statewide to reflect the disproportionate burden on faster-growing areas.
- ✓ Fauquier County supports continued, adequate funding for the Revenue Sharing Program.
- ✓ Fauquier County supports State funding for the following top three transportation priorities:
 - a. Completion of design work for the ultimate intersection at Route 215 and Routes 15/29.

- b. Spot safety adjustments and intersection improvements (including turn lanes and signalization) in the corridor between Route 15/29 and the Prince William County border.
- c. Construction of the Opal Interchange at Routes 15/29/17.

A Resolution to Authorize the Adoption of Human Resources Policy 55 – Telecommuting

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ADOPTION OF HUMAN RESOURCES POLICY 55- TELECOMMUTING

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Human Resources Policies; and

WHEREAS, the Fauquier County Government Human Resources Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, it is recommended to adopt the new Human Resources Policy 55, Telecommuting; therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the new Human Resources Policy 55, Telecommuting, be, and is hereby, approved effective October 8, 2009.

HUMAN RESOURCES POLICY Fauquier County, Virginia

Policy Title: Telecommuting Policy
Section No: 55

Date: 10/08/2009
Supersedes Policy: New

I. <u>PURPOSE</u>

This policy permits Fauquier County Government departments and/or agencies upon approval of the County Administrator or his designee to designate employees to work at alternate work locations for all or part of their workweek in order to promote general work efficiencies.

II. SCOPE

This policy applies to all employees.

III. DEFINITIONS

<u>Alternate Work Location:</u> Approved work sites other than the employee's central workplace where official County business is performed. Such locations may include, but are not necessarily limited to, employees' homes and satellite offices.

<u>Central Workplace:</u> The employer's place of work where employees normally are located.

<u>Employee:</u> An employee who works away from his/her central workplace either at home or at another agency-designated or approved remote work location.

<u>Telecommuting:</u> A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace, in accordance with work agreements.

<u>Work Agreement:</u> The written agreement between the County and employee that details the terms and conditions of an employee's work away from his or her central workplace. Work agreements are required for telecommuting.

<u>Work Schedule:</u> The employee's hours of work in the central workplace or in alternate work locations. (See Policy 9, Work Schedules and Attendance)

IV. PROCEDURES

A. General Provisions

Telecommuting is a privilege and not a right of employees. Fauquier County management is responsible for managing the affairs and operations of County government and has the sole discretion to:

- a. Designate positions for telecommuting; and
- b. Approve employees to telecommute.

B. Conditions of Employment

Telecommuting assignments do not change the conditions of employment or required compliance with policies.

To the extent possible, the department/agency and the employee should mutually agree to telecommuting arrangements. However, departments/agencies may establish telecommuting as a condition of employment, based upon the department's/agency's business needs. In such cases, this requirement should be included when the position is advertised and in correspondence offering employment.

a. Compensation and Benefits

An employee's compensation and benefits will not change as a result of telecommuting.

b. Hours of Work

The total number of hours that employees are expected to work will not change, regardless of work location. Employees agree to apply themselves to their work during work hours.

Departments/agencies must ensure that procedures are in place to document the work hours of employees who telecommute, in particular ensuring compliance with the Fair Labor Standards Act.

Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, another individual must be present to provide the care.

c. Attendance at Meetings

Supervisors may require employees to report to a central workplace as needed for work-related meetings or other events or may meet with the employee in the alternate work location as needed to discuss work progress or other work related issues.

d. Use of Leave

Telecommuting is not intended to be used in place of administrative leave (Policy 2-a), annual leave (Policy 2-b), bereavement leave (Policy 2-c), civil leave (Policy 2-d), compensatory leave (Policy 2-e), educational leave (Policy 2-f), Family and Medical Leave (Policy 2-g), holidays (Policy 2-h), leave without pay (Policy 2-k), military leave (Policy 2-l), sick leave (Policy 2-m), workers compensation (Policy 36), or any other type of leave.

C. Equipment and Materials

In some cases, the County/agency will provide equipment and materials needed by employees to effectively perform their duties. However, where agreements specify, employees may be authorized to use their own equipment.

a. County/Agency-Owned Equipment

1. Authorized Use/Users

County/agency-owned equipment provided to the employee for use off-site may be used only for legitimate County/agency purposes by authorized employees.

Employees are responsible for protecting County/agency-owned equipment from theft, damage, and unauthorized use.

2. Maintenance

County/agency-owned equipment used off-site in the normal course of employment will be maintained, serviced, and repaired by the County/agency.

3. Transporting/Installing

Departments/Agencies shall stipulate who is responsible for transporting and installing equipment, and for returning it to the central workplace for repairs or service.

b. Employee-Owned Equipment

When employees are authorized to use their own equipment, departments/agencies will not assume responsibility for its cost of equipment, repair, or service.

c. County/Agency-Supplied Materials

County/Agency may supply employees with materials necessary to perform their duties at the alternate work location. This includes items such as pens, paper, ink or toner cartridges, folders, and any other necessary office supply or material.

All purchases for office supplies or materials shall comply with procurement policies and procedures.

D. Costs Associated with Telecommuting

Departments/agencies are not obligated to assume responsibility for operating costs, alternative work location maintenance, or other costs incurred by employees in the use of an alternate work location including their home.

Departments/Agencies may use appropriated funds to:

1. pay for leased telephone lines in the employee's alternate work location,

- 2. install and provide basic telephone service in employees' alternate work locations, or
- 3. provide cell phones and/or personal data assistants (PDA) to employees for business use.

If cell phones are not provided, agencies may reimburse employees for business-related long distance calls made from their personal home or cell phones. If personal home or cell phones are utilized, then blocking caller identification to business related individuals/clients is strongly recommended.

E. County/Agency Information

Employees must safeguard department/agency information used or accessed while telecommuting.

Department/agency supervisors must grant permission according to department/agency-approved procedures for employees to work on restricted-access information or materials at alternate work locations. Employees must agree to follow department/agency-approved security procedures in order to ensure confidentiality and security of data.

IV. DEPARTMENT/AGENCY RESPONSIBILITIES

A. General Provisions

Work performed in alternate work locations is considered official County business; therefore, upon approval of the telecommuting request by the County Administrator or his designee, departments/agencies may establish specific conditions that apply to employees working in alternate locations.

B. Establish County/Agency Policy

Each department/agency must comply with County policies and procedures related to telecommuting. Such policies should maximize the appropriate use of telecommuting without diminishing employee performance or service delivery.

Department/Agency policies also should:

- 1. Identify positions which are appropriate for telecommuting (See Attachment A);
- 2. Obtain approval from the County Administrator or his designee of the positions authorized for telecommuting.

- 3. Require work agreements between the department/agency and employees (See Attachment B);
- 4. Require the alternate work location be in compliance with local zoning regulations;
- 5. Information Technology (IT) Review All telecommuting arrangements that require employees to use a County computer, phone and/or any other data related equipment that needs to communicate with the County Network must be approved by IT and the department/agency management.

C. Develop Work Agreements

Departments/agencies and employees must agree to the terms of telecommuting before an employee may work at an alternate work location.

Department/agency agreements must be reviewed and approved by the Department of Human Resources prior to use.

Departments/agencies shall include the conditions listed below in work agreements (also, see Attachment B for a sample agreement):

- 1. the duration of the agreement;
- 2. the work schedule and how it can be changed;
- 3. how leave is to be requested and approved by the supervisors;
- 4. status of employees during emergency or weather-related closings affecting the central or alternate workplace under Policy AP-07, Inclement Weather;
- 5. how routine communication between the employee, supervisor, coemployees, and customers will be handled;
- 6. the employee's performance plan/expectations;
- 7. the equipment and/or supplies that will be used, and who is responsible for providing and maintaining them;
- 8. any applicable data security procedures;
- 9. safety requirements (see Attachment C for Risk Management's recommended checklist);

- 10. a requirement that employees permit supervisor access to the alternate work location during normal work hours as defined by the telecommuting agreement.
- 11. comply with all County/agency rules, policies, practices, and instructions and all federal and state requirements;
- 12. use department/agency provided equipment/supplies only for business purposes, and to notify the department/agency immediately when equipment malfunctions;
- 13. notify their supervisors immediately of any situations which interfere with their ability to perform their jobs;
- 14. maintain safe work conditions and practice appropriate safety habits;
- 15. certify that the work location is free from hazards;
- 16. notify their supervisors immediately of any injury incurred while working;
- 17. agree to allow supervisors and any other person deemed necessary by such supervisor or Human Resources to visit the alternate work location immediately after any accident or injury which occurred while working;
- 18. absolve the County/agency from liability for damages to real or personal property resulting from participation in the telecommuting program; and
- 19. be responsible for the security of information, documents, and records in their possession or used during telecommuting, and not take restricted-access material home without the written consent of their supervisors.

D. Termination of Agreement

Either the County Administrator or the Department /agency may terminate the telecommuting agreement at its discretion. The County Administrator or the Department/agency should give employees advance notice if a decision is made to terminate a telecommuting agreement; however, advance notice is not required.

E. Train Managers and Supervisors

The Department/agency should encourage the successful and appropriate use of telecommuting within the agency by providing training to supervisors and managers in effectively managing telecommuters.

F. Requesting approval for telecommuting positions

The Department/Agency has the responsibility to determine which positions are appropriate for telecommuting. The Department/Agency shall submit a request to the County Administrator or his/her designee, through the Department of Human Resources to have the position/positions approved for telecommuting. The request shall detail the reasons that telecommuting will be in the best interest of the Department/Agency. The Director of the Department of Human Resources shall review the request and shall forward the request along with his/her recommendation to the County Administrator or his/her designee for final approval. The Department/agency must determine which positions are appropriate for telecommuting and provide the information to the Department of Human Resources when they:

- 1. establish a position;
- 2. re-establish a position; or
- 3. change the designation of the position.

G. Reporting

The department head/agency head or designee shall annually report to the County Administrator and Director of Human Resources on the status and efficiency of telecommuting and participation in alternative work schedules, including specific budget requests for information technology, software, or other equipment needed to increase opportunities for telecommuting and participation in alternate work locations.

V. INTERPRETATION

The Director of Human Resources is responsible for official interpretation of this policy.

Questions regarding the application of this policy should be directed to the Department of Human Resources.

The Department of Human Resources reserves the right to revise or eliminate this policy at any time upon the approval of the County Board of Supervisors.

VI. RELATED POLICIES

Policy 9, Work Schedules and Attendance

Policy AP-07, Inclement Weather

Policy 17, Employee Performance Evaluation

Policy 2-a, Administrative Leave

Policy 2-b, Annual Leave

Policy 2-c, Bereavement Leave

Policy 2-d, Civil Leave

Policy 2-e, Compensatory Leave

Policy 2-f, Educational Leave

Policy 2-g, Family and Medical Leave

Policy 2-h, Holidays

Policy 2-k, Leave Without Pay

Policy 2-1, Military Leave

Policy 2-m, Sick Leave

Policy 36, Workers' Compensation

Policy 54, Safety Policy

Determining Positions Which Are Appropriate for Telecommuting

In making decisions about which positions are appropriate to designate or approve for telecommuting, departments/agencies should thoroughly analyze the duties of positions and how the work is performed.

Generally positions with the following characteristics may be appropriate for telecommuting:

- Require independent work
- Require little face-to-face interaction
- Require concentration
- Result in specific, measurable work products
- Can be monitored by output, not time spent doing the job

Employee Qualities Which Are Appropriate for Telecommuting

In making decisions about which employees are designated or approved for telecommuting, departments/agencies should review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting.

Generally, employees who will be successful in telecommuting have the following qualities:

- Are able to work productively on their own
- Are self-motivated and flexible
- Are knowledgeable about the job
- Have a low need for social interaction
- Are dependable and trustworthy
- Have above average performance records
- Are organized
- Have good communication skills

TELECOMMUTING WORK AGREEMENT

The fo	ollowing constitutes an agreement of the terms and worken:	ring conditions of telecommuting
Depar	tment/Agency	Date
Emplo	byee	Date
INITI	ATION OF AGREEMENT	
2. 3. 4. WOR 1.	Employee agrees to participate in telecommuting and practices Yes No Employee agrees to participate in telecommuting for a year beginning and endi agreement may be extended beyond the initial one year department/agency and to the employee. If extended, to be reviewed and updated as necessary. Department/agency concurs with employee participating applicable guidelines and policies Yes A copy of the County Telecommuting Policy has been Yes No KLOCATION/SCHEDULE Employee's central workplace is: Yes A copy of the County Telecommuting Policy has been Yes No	an initial period not to exceed one ng This ar period, if agreeable to the the terms of this agreement should on and agrees to adhere to No a given to the employee.
2.	Employee's alternate work location is:	
	Describe in detail the designated work area at the alter	nate location:
3.	At the central workplace, the employee's work hours to on the following days:	will normally be from
4.	At the alternate work location, the employee's work h	ours will normally be from
5.	to, on the following days: Employee's time and attendance will be recorded the s duties at the central workplace.	same as though performing official
6.		

WORK STANDARDS/PERFORMANCE

- 1. Employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate.
- 2. Employee will complete all assigned work according to work procedures mutually agreed upon by the employee and the supervisor, and according to guidelines and expectations stated in the employee's performance plan.
- 3. Supervisor will evaluate employee's job performance according to the employee's performance plan.
- 4. Employee agrees to limit performance of his/her officially-assigned duties to the central workplace or department/agency-approved alternate work location. Failure to comply with this provision may result in loss of pay, termination of the telecommuting agreement, and/or appropriate disciplinary action.

COMPENSATION/BENEFITS

- 1. All salary rates, leave accrual rates, and travel entitlements will remain as if the employee performed all work at the central workplace.
- 2. Employee will be compensated according to applicable laws and County/agency policy for overtime work that has been requested by his/her supervisor and approved in advance.
- 3. Employee understands that overtime work must be approved in advance by the supervisor. By signing this form, employee agrees that failing to obtain proper approval for overtime work may result in his/her removal from telecommuting and/or appropriate action.
- 4. Overtime hours worked shall be paid/accrued as set forth in the Compensatory Leave policy (2-e).
- 5. Employee must obtain supervisory approval before taking leave in accordance with established office procedures. By signing this form, the employee agrees to follow established procedures for requesting and obtaining approval of leave.

EQUIPMENT/EXPENSES

- 1. Employee who uses department/agency-owned equipment agrees to protect such equipment in accordance with department/agency guidelines. County-owned equipment will be serviced and maintained by the department/agency.
- 2. If employee provides equipment, he/she is responsible for servicing and maintaining the equipment.
- 3. Neither the department/agency nor the County will be liable for damages to an employee's personal or real property during the course of performance of official duties or while using County equipment in the employee's residence.
- 4. Neither the department/agency nor the county will be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the use of the employee's residence as an alternate work location.

SAFETY

- 1. Employee is covered by the appropriate provisions of the County's Worker's Compensation Policy if injured while performing official duties at the central workplace or alternate work location.
- 2. Employee and appropriate Human Resources staff shall certify that the work location is safe and free from hazards.
- 3. Employee shall bring to the immediate attention of his/her supervisor any accident or injury occurring at the alternate work location while working.
- 4. Supervisor or designee will investigate all accident and injury reports immediately following notification to ensure compliance with County policy and procedures.
- 5. Employee shall comply with any requirements and/or visits to the alternate work location by Human Resources or Insurance staff to investigate any claims filed in order to determine compensability.

CONFIDENTIALITY/SECURITY

Employee will apply approved safeguards to protect department/agency or County records from unauthorized disclosure or damage, and will comply with the privacy requirements set forth in the County and/or state law, County policies, or department/agency policy or procedure.

TERMINATION OF AGREEMENT

- 1. Employee may terminate participation in telecommuting at any time unless it was a condition of employment. Two weeks' notice to the department/agency is recommended.
- 2. Department/agency may terminate employee's participation in telecommuting at any time. (Employees may be withdrawn for reasons to include, but not limited to, declining performance and organizational benefit). Two weeks' notice to the employee is recommended when feasible, but it is not required.

COUNTY-OWNED OR LEASED EQUIPMENT ISSUED TO EMPLOYEE

	Issue Information					Return Information				
Item	Issued	Date	Condition	Dept	EE	Returned	Condition	Date	Dept	EE
	(Y/N)			Initials	Initials	(Y/N)			Initials	Initials
Computer										
Modem										
Fax										
Machine										
Telephone										
Desk										
Chair										
File										
Cabinet										
Printer										
PDA										
Cell Phone										
Scanner										
			1		l.		1	•		
Supervisor			Date				_			
1										
Empl	Employee					Date				
-										
					_					
Agency Head (or Designee)				Date	;					

Safety Checklist (Sample Checklist and Employee Certification Form)

Employee Name: Department/Agency: Supervisor Name: Location: Phone:		
The following checklist is designed to assess the overall safety of the alternate wor Each participant should read and complete the self-certification safety checklist. Up completion, the checklist should be signed and dated by the participating employee immediate supervisor with a copy provided to the Risk Manager in the Department Resources.	pon e and	
The alternate work location is located (check one): in home not in h	nome.	
Describe the designated work area:		
To the best of one's knowledge:		
1. Is the space free of asbestos-containing materials?	Yes_	_No
2. If asbestos-containing material is present, is it undamaged and in good		
·	Yes	
1 1 1 1	Yes	
4. Is there adequate ventilation for the desired occupancy?	Yes	
1	Yes_	
1 , , , , , , , , , , , , , , , , , , ,	Yes_	
7. Are lavatories available with hot and cold running water?	Yes_	
8. Are all stairs with four or more steps equipped with handrails?9. Are all circuit breakers and/or fuses in the electrical panel labeled as to	Yes	NO
intended service?	Yes_	No
10. Do circuit breakers clearly indicate if they are in the open or closed	105_	110
position?	Yes_	No
11. Is all electrical equipment free of recognized hazards that would cause	105	
physical harm (frayed wires, bare conductors, loose wires, flexible wires		
running through walls, exposed wires fixed to the ceiling, etc.)?	Yes_	No
12. Will the building's electrical system permit the grounding of electrical		_
	Yes_	_No
13. Are aisles, doorways, and corners free of obstructions to permit visibility		
and movement?	Yes	_No
14. Are file cabinets and storage closets arranged so drawers and doors do not		

open into walkways?	Yes_	No		
15. Do chairs have loose casters (wheels)? Are the rung	=			
sturdy?	Yes_			
16. Is the work area overly furnished?		YesNo		
17. Are the phone lines, electrical cords, and extension	wires secured under			
a desk or alongside a baseboard?	Yes_	No		
18. Is the office space neat, clean, and free of excessive	e amounts of			
combustibles?	Yes_	No		
19. Are floor surfaces clean, dry, level, and free of wor	n or frayed seams? Yes_	YesNo		
20. Are carpets well secured to the floor and free of wo	orn or frayed seams?Yes_	No		
Employee Signature	Date			
Supervisor or Designated Agency Representative	Date			
Risk Manager Review	Date			
Comments:				

<u>A Resolution to Amend Conditions of the Wooded Run Estates Preliminary Plat #PPLT06-SC-016, Scott District</u>

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR THE WOODS AT WARRENTON SUBDIVISION: BALD EAGLE DRIVE, COOPER'S HAWK DRIVE, BLUE HERON LANE, ROBIN LANE, SWIFT CROSSING, REDWINGED BLACKBIRD DRIVE, BARN OWL COURT, AND BOB WHITE COURT, CENTER MAGISTERIAL DISTRICT

WHEREAS, Bald Eagle Drive, Cooper's Hawk Drive, Blue Heron Lane, Robin Lane, Swift Crossing, Redwinged Blackbird Drive, Barn Owl Court, and Bob White Court, as depicted on the attached site location map, and described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

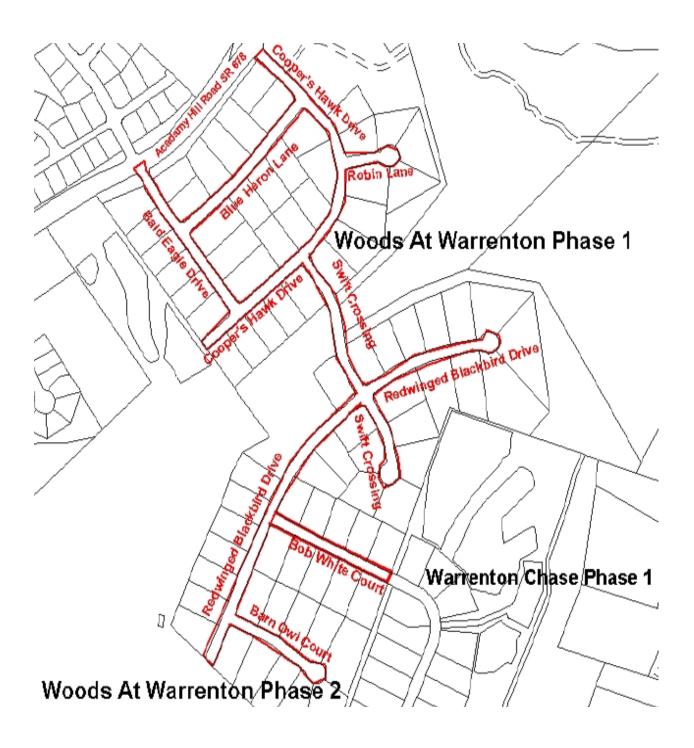
WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater retention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Woods at Warrenton Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 950, Pages 1432-1463 approved on April 19, 2002, Deed Book 1327 Pages 924-931 approved on September 2, 2009, and Deed Book 1011 Pages 1571-1605 approved on March 4, 2003; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.



In the County of Fauquier

By resolution of the governing body adopted October 8, 2009

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee	Signed (County	Official):	
11 Copy I coice	Digited (County	Official).	

Report of Changes in the Secondary System of State Highways

Project/Subdivision The Woods At Warrenton

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or

provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

▶ Bald Eagle Drive, State Route Number 1279

Old Route Number: 0

• From: CL of Academy Hill Extended Rte 678

To: 389 ft SE of CL Blue Heron Lane Rte 1280, a distance of: 0.07 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

▶ Bald Eagle Drive, State Route Number 1279

Old Route Number: 0

• From: CL Blue Heron Lane Rte 1280

To: 476 ft SE to CL Cooper's Hawk Drive Rte 1281, a distance of: 0.09 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

► Cooper's Hawk Drive, State Route Number 1281

Old Route Number: 0

From: CL of Bald Eagle Drive Rte 1279

To: 236 ft SW to End State Maintenance, a distance of: 0.04 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft VDOT Form AM-4.3 (4/20/2007), Asset Management Division

Page 1 of 4

Report of Changes in the Secondary System of State Highways

► Cooper's Hawk Drive, State Route Number 1281

Old Route Number: 0

From: CL of Bald Eagle Drive Rte 1279

To: 410 ft SE to CL Swift Crossing Rte 1283, a distance of: 0.08 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

► Cooper's Hawk Drive, State Route Number 1281

Old Route Number: 0

• From: CL Swift Crossing Rte 1283

To: 493 ft N to CL Robin Lane Rte 1282, a distance of: 0.09 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

► Cooper's Hawk Drive, State Route Number 1281

Old Route Number: 0

• From: CL Robin Lane Rte 1282

To: 372 ft N to CL Blue Heron Lane Rte 1280, a distance of: 0.07 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

► Cooper's Hawk Drive, State Route Number 1281

Old Route Number: 0

• From: CL Blue Heron Lane Rte 1280

To: 270 ft N to Cul-de-sac, a distance of: 0.05 miles.

Recordation Reference: db 1327, pg 924-931

Right-of-Way width (feet) = 50 ft

▶ Blue Heron Lane, State Route Number 1280

Old Route Number: 0

From: CL of Bald Eagle Drive Rte 1279

To: 880 ft NE to CL of Cooper's Hawk Drive Rte 1281, a distance of: 0.17 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

► Robin Lane, State Route Number 1282

Old Route Number: 0

• From: CL of Cooper's Hawk Drive Rte 1281

To: 310 ft E to Cul-de-sac, a distance of: 0.06 miles.

Recordation Reference: db 950, pg 1432-1463

Right-of-Way width (feet) = 50 ft

Report of Changes in the Secondary System of State Highways

► Swift Crossing, State Route Number 1283

Old Route Number: 0

From: CL of Cooper's Hawk Drive Rte 1281

To: 732 ft E to CL Redwinged Blackbird Drive Rte 1284, a distance of: 0.14 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

► Swift Crossing, State Route Number 1283

Old Route Number: 0

• From: CL of Redwinged Blackbird Drive Rte 1284

To: 462 ft SE to cul-de-sac, a distance of: 0.09 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

► Redwinged Blackbird Drive, State Route Number 1284

Old Route Number: 0

• From: CL of Swift Crossing Rte 1283

To: 748 ft NE to cul-de-sac, a distance of: 0.14 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

▶ Redwinged Blackbird Drive, State Route Number 1284

Old Route Number: 0

• From: CL of Swift Crossing Rte 1283

To: 761 ft SW to CL Bob White Court Rte 1285, a distance of: 0.14 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

▶ Redwinged Blackbird Drive, State Route Number 1284

Old Route Number: 0

From: CL Bob White Court Rte 1285

To: 509 ft SW to CL Barn Owl Court Rte 1286, a distance of: 0.10 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

▶ Redwinged Blackbird Drive, State Route Number 1284

Old Route Number: 0

From: CL of Barn Owl Court Rte 1286

To: 330 ft SW to temporary turn around, a distance of: 0.04 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

Report of Changes in the Secondary System of State Highways

▶ Barn Owl Court, State Route Number 1286

Old Route Number: 0

From: CL of Redwinged Blackbird Drive Rte 1284

To: 575 ft SE to cul-de-sac, a distance of: 0.11 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

▶ Bob White Court, State Route Number 1285

Old Route Number: 0

From: CL of Redwinged Blackbird Drive Rte 1284

To: 695 ft to temporary turn around, a distance of: 0.15 miles.

Recordation Reference: db 1011, pg 1571-1605

Right-of-Way width (feet) = 50 ft

Page 4 of 4

A Resolution to Approve Funding for the Purchase of Development Rights (PDR) on the Ninth Round PDR Applications

RESOLUTION

A RESOLUTION TO APPROVE FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS OF QUALIFYING NINTH ROUND APPLICANTS TO THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, on February 19, 2002, the Fauquier county Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, and ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on October 13, 2005, the Fauquier County Board of Supervisors approved an increase of \$10,000 in the payment per development right to total \$30,000 per development right in the Purchase of Development Rights (PDR) Program; and

WHEREAS, on May 14, 2009, the Fauquier County Board of Supervisors approved a decrease of \$5,000 in the payment per development right to total \$25,000 per development right in the Purchase of Development Rights (PDR) Program; and

WHEREAS, the Fauquier County Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting qualified farm properties for preservation; and

WHEREAS, on June 30, 2009 and July 15, 2009, the PDR Committee reviewed the new applications and visited and ranked the farms in accordance with the adopted PDR application scoring system; and

WHEREAS, the PDR Committee recommended that the Board of Supervisors approve funding for the Purchase of Development Rights Easements representing a total of 39 development rights on the three highest scoring farms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the County Administrator be, and is hereby, authorized to negotiate and execute the purchases of the following eligible development rights as recommended by the PDR Committee.

Applicant	District	Acres	Parcels	Development Rights	Cost
Wilbur Burton	Cedar Run	396	2	14	\$350,000
Herbert F. Wilson, Jr.	Cedar Run	272	2	11	\$275,000
Joan Fox Miller	Marshall	184	4	14	\$350,000
Totals		852	8	39	\$975,000

<u>Fiery Run Road Subdivision: Preliminary Plat/Final Construction Plan: PPLT09-MA-006, WVRP09-MA-018, Marshall District</u>

No action was taken.

<u>Vanguard Health Subdivision: Preliminary Plat/Final Construction Plan: PPLT09-CR-005, WVRP09-CR-009, and WVRP09-CR-019, Cedar Run District</u>

No action was taken.

Goose Pond Grove: Preliminary Plat: PPLT08-MA-004, Marshall District

No action was taken.

A Resolution Approving a Lease Refinancing With the Virginia Resources Authority
Approving the Form of Certain Documents Prepared in Connection Therewith and
Authorizing the Distribution, Execution and Delivery of the Same

RESOLUTION

A RESOLUTION APPROVING A LEASE REFINANCING WITH THE VIRGINIA RESOURCES AUTHORITY, APPROVING THE FORM OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE DISTRIBUTION, EXECUTION AND DELIVERY OF THE SAME

WHEREAS, on June 6, 2002, the Board of Supervisors (the "Board") of Fauquier County, Virginia (the "County"), entered into a Financing Lease dated as of June 1, 2002 (the "Original 2002 Financing Lease"), with Virginia Resources Authority ("VRA") to fund the costs of acquiring and installing a public safety radio communications system (the "Project") and related costs;

WHEREAS, VRA has advised the County that it may achieve savings by refinancing the Project, in part, by reducing the aggregate amount of rental payments owed under the 2002 Financing Lease (the "2002 Rental Payments), pursuant to the terms of a First Amendment to Financing Lease to be dated as of a date specified by VRA, between VRA and the Board on behalf of the County (the "Amendment" and, together with the Original 2002 Financing Lease, the "2002 Financing Lease"), and the County desires to undertake a refinancing to achieve such savings, subject to the terms and conditions herein;

WHEREAS, VRA has indicated its willingness to refinance the Project using a portion of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2009B (as more particularly defined in the below-defined 2009 Financing Lease, the "VRA Bonds"), in accordance with the terms of (a) a Local Lease Acquisition Agreement to be dated as of a date specified by VRA, between VRA and the County (the "Local Lease Acquisition Agreement"), and (b) a Financing Lease to be dated as of a date specified by VRA, between VRA and the Board on behalf of the County (the "2009 Financing Lease" and, together with the 2002 Financing Lease, the "Financing Leases"), the forms of which have been presented to this meeting;

WHEREAS, VRA has advised the County that the sale date of the VRA Bonds is tentatively scheduled for November 5, 2009, but may occur, subject to market conditions, at any time between November 1, 2009 and December 1, 2009 (the "VRA Sale Date"), and that VRA's objective is to pay the County a purchase price for the 2009 Financing Lease which in VRA's judgment reflects its market value (the "Purchase Price Objective") taking into consideration such factors as the Targeted Savings (as herein defined), the purchase price received by VRA for the VRA Bonds, the underwriters' discount and other issuance costs of the VRA Bonds, and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, VRA has acknowledged that the aggregate total of principal components of rental payments under the 2009 Financing Lease (the "2009 Rental Payments" and, together with the 2002 Rental Payments, the "Rental Payments") and the "true" interest cost of the interest component of such Rental Payments cannot exceed the respective amounts specified in this Resolution; now, therefore, be it

RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

Essentiality of Project. The Board reconfirms that the Project is essential to the efficient operation of the County and anticipates that the Project will continue to be essential to the operations of the County during the terms of each of the Financing Leases.

Authorization of Financing Lease. The forms of the 2009 Financing Lease and the Amendment submitted to this meeting are hereby approved. The Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, are authorized to execute the 2009 Financing Lease and the Amendment in substantially such forms, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman or Vice-Chairman of the Board or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery thereof. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Financing Lease.

Terms of Financing Lease. The following refinancing plan is approved. VRA will use a portion of the proceeds of the VRA Bonds to refinance the Project in whole or in part. The County will continue to lease the Project from VRA pursuant to the terms of the Financing Leases under which the County will undertake to make Rental Payments to VRA in amounts sufficient to pay principal and interest on the portion of the VRA Bonds and any other outstanding bonds of VRA attributable to the Project. The final pricing terms contained in the 2009 Financing Lease shall be determined by VRA subject to VRA's Purchase Price Objective and market conditions described in the Recitals hereof; provided, however, that (i) the aggregate total of principal components of the 2009 Rental Payments shall not exceed \$4,000,000, (ii) the term of the 2009 Financing Lease shall expire no later than December 31, 2017, (iii) the interest component of the 2009 Rental Payments shall have a "true" interest cost not to exceed 3.75% per year (exclusive of "supplemental interest" as provided in the 2009 Financing Lease), (iv) the principal components of the 2009 Rental Payments shall be subject to prepayment upon the terms set forth in the 2009 Financing Lease and (v) the refinancing of the Project in whole or in part shall result in not less than a 3% aggregate net present value debt service savings as applied to the Rental Payments (the "Targeted Savings"). Subject to the preceding terms, the Board further authorizes the County Administrator to accept the final terms presented by VRA and accordingly to determine the aggregate total of principal components of the 2009 Rental Payments, establish a revised schedule of 2002 Rental Payments including the dates and amounts, the optional and extraordinary prepayment provisions, if any, of the 2009 Rental Payments and the portion(s) of the 2002 Rental Payments credited by the refinancing of the Project, all in accordance with the provisions hereof.

The Local Lease Acquisition Agreement, in substantially the form presented to this meeting, is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator. The County Administrator is authorized to execute and deliver, on behalf of the County, the Local Lease Acquisition Agreement.

As set forth in the 2009 Financing Lease, the County agrees to pay such "supplemental interest" and other charges as provided therein, including such amounts as may be necessary to maintain or replenish the Capital Reserve Fund.

Payment and Prepayment Provisions. Rental Payments due under the Financing Leases shall be payable in lawful money of the United States of America and otherwise comply with the terms set forth in the applicable Financing Lease. The County may, at its option, prepay the principal components of Rental Payments upon the terms set forth in the applicable Financing Lease.

Subject to Appropriation. The undertaking by the County under each of the Financing Leases to make Rental Payments shall be a limited obligation of the County, payable solely from funds to be appropriated by the Board from time to time for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in either of the Financing Leases shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

Annual Budget. The Board believes that funds sufficient to make payment of all amounts payable under each of the Financing Leases can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the terms of each of the Financing Leases. The Board directs the County's Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of each Financing Lease an amount sufficient to pay all amounts coming due under such Financing Lease during such fiscal year. As soon as practicable after the submission of the County's annual budget to the Board, the County Administrator is authorized and directed to deliver to VRA evidence that a request for an amount sufficient to make the payment of all amounts payable under the applicable Financing Lease has been made. Throughout the terms of each of the Financing Leases, the County Administrator shall deliver to VRA within 30 days after the adoption of the budget for each fiscal year, but not later than July 1, a certificate stating whether an amount equal to the Rental Payments and any other amounts due under each such Financing Lease which will be due during the next fiscal year has been appropriated by the Board in such budget. If at any time during any fiscal year of the County, through the fiscal year ending June 30, 2018, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the amounts payable under either Financing Lease, the Board directs the Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause the interest on the VRA Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the funds received under the 2009 Financing Lease, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the VRA Bonds components from being included in the gross income for

federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

Tax Compliance Agreement. Such officers of the County as may be requested are authorized and directed to execute and deliver the Tax Compliance Agreement, the form of which is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers of the County executing such document, whose approval shall be evidenced conclusively by the execution and delivery thereof.

Private Activity Covenants. The County covenants that it shall not permit the proceeds derived from the 2009 Financing Lease or the facilities financed or refinanced with the proceeds of the 2009 Financing Lease to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being financed or refinanced with such proceeds being used in any trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being financed or refinanced with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds or facilities being financed or refinanced with such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any such covenant is not required to prevent the interest on the VRA Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenant to the extent provided in such opinion.

Refinancing; Amendments to the 2002 Financing Lease. The County Administrator is authorized and directed to take all proper steps required under the 2002 Financing Lease to refinance the Project, in whole or in part, and credit savings to the amount of 2002 Rental Payments outstanding and to deliver any such notices and correspondence necessary therefor. The Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, are authorized to approve changes to the 2002 Financing Lease and related financing documents, as may be necessary to provide for such refinancing. The Clerk of the Board is authorized to affix the County's seal on any such documents and attest the same.

Official Statement. The Board authorizes and consents to the inclusion of information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds.

Qualified Tax-Exempt Obligation. To the extent the County intends to satisfy the requirements set forth in Section 265(b)(3) of the Code, and if requested by VRA, the County Administrator is hereby authorized to designate the 2009 Financing Lease for purposes of such Section.

Other Actions. All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the refinancing of the Project are

ratified, approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and other instruments and to take all actions considered necessary or desirable in connection with the execution and delivery of the Amendment and the 2009 Financing Lease and the refinancing of the Project. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

Effective Date. This Resolution shall become effective immediately.

A Resolution Initiating a Comprehensive Plan Text Amendment That Designates Land Within Its Service District Boundaries to be Subject to the "Compact or Suburban Area" Requirements of the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Regulations

RESOLUTION

A RESOLUTION INITIATING A COMPREHENSIVE PLAN TEXT AMENDMENT THAT DESIGNATES LAND WITHIN ITS SERVICE DISTRICT BOUNDARIES TO BE SUBJECT TO THE "COMPACT OR SUBURBAN AREA" REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY STREET ACCEPTANCE REGULATIONS

WHEREAS, on July 1, 2009, the Virginia Department of Transportation (VDOT) enacted the Secondary Street Acceptance Regulations; and

WHEREAS, that action has resulted in "Area Types" associated with existing and planned population and development scale and setting design and connectivity principles for these categories; and

WHEREAS, the Fauquier County Comprehensive Plan expressed that Service Districts will be where our more compact and traditional town or village scale residential densities and business development will occur; and

WHEREAS, here such growth can be more effectively served through public facilities, services and utilities, be provided an interconnected public street network (including multipurpose paths and sidewalks), and be more effectively connected to open spaces, parks and schools; and

WHEREAS, "Compact and Suburban Area Types" described in these enacted State regulations better fulfill the connectivity, pedestrian accommodation and more traditional streets the County envisions; and

WHEREAS, these designations require Board of Supervisors initiation, justification and request to VDOT pursuant to code requirements; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the Board of Supervisors hereby initiates and directs the Planning Commission to review and refine the draft Amendment to Chapter 6 – Service Districts and Chapter 10 - Transportation, which designates specific Service Districts and their boundary limits as described herein that will be subject to the "Compact or Suburban Area Type" requirements of the Virginia Administrative Code for Secondary Street Acceptance Requirements.

A Resolution to Initiate a Zoning Ordinance Text Amendment to Section 4-400 to Add and Clarify Permitted Uses in the Floodplain

RESOLUTION

A RESOLUTION TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 4-400 TO ADD AND CLARIFY PERMITTED USES IN THE FLOODPLAIN

WHEREAS, the Fauquier County Zoning Ordinance establishes requirements and limitations for areas located within the 100-year floodplain space; and

WHEREAS, Fauquier County seeks to clarify certain provisions related to permitted uses in the 100-year floodplain; and

WHEREAS, Fauquier County seeks to expand the permitted uses in the 100-year floodplain; and

WHEREAS, the amendments to Section 4-400 achieve this goal and support good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That amendments to Section 4-400 of the Zoning Ordinance related to permitted uses in the 100-year floodplain be, and are hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

4-400 FLOODPLAIN DISTRICT (FP)

4-405 Permitted Uses

In the Floodplain District, the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district; are not prohibited by any other ordinance provided they do not require structures, fill or storage of material and equipment except as explicitly authorized with each use listed; and provided they meet the use limitations set forth in Section 4-107. do not cause any increase in flood heights and/or velocities. (Note: Except as

provided in Section 4-406, floodplain boundaries shall not be altered by filling or the use of dikes or other engineering practices).

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting; structures shall be limited to open fences; and water mills, with only the waterwheel portion of the water mill allowed within the floodplain.

2. Agricultural ponds, including dams and embankments.

- 23. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas; structures shall be limited to: trails, including footbridges; open buildings such as pavilions and gazebos; open fences; and recreational structures such as play equipment, picnic benches, etc.
- 34. Accessory residential uses such as yard areas, gardens, play areas. and pervious loading areas.
- 4<u>5</u>. Accessory industrial and commercial uses such as yard areas pervious parking and loading areas pervious airport landing strips, etc.
- 6. Private residential streets and driveways, including necessary fill and drainage infrastructure, Type II and III private streets serving three or fewer lots. The maximum of three lots shall be cumulative for any private such street or driveway.
- 7. Improvements to existing public streets, including necessary fill and drainage infrastructure, where required by the County or Virginia Department of Transportation in conjunction with a land development application.
- 8. Underground public and private utilities, except wells.

4-406 <u>Special Exception Uses</u>

The following uses and activities may be permitted by special exception provided they are in compliance with the provisions of the underlying district, satisfy the applicable standards contained in Article 5, are consistent with the use limitations set forth in Section 4-407, and are not prohibited by this or any other ordinance, and cause no increase in flood heights and/or velocities. (Note: All uses, activities and developments shall be undertaken in strict compliance with the flood-proofing provisions contained in this and all other applicable codes and ordinances including, but not limited to, the Fauquier County Subdivision and Site Development Plan Ordinances and the Virginia Uniform Statewide Building Code).

1. Structures, except for dwelling units, accessory to the use and activities in Section 4-405 above.

- 2. Utilities and public facilities and improvements such as railroads, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
- 3. Public and Private Streets other than those authorized by 4-405.6 and 7, above. All public streets as defined in Article 15 (Definitions) and all Type I private streets. Type II and Type III private streets which serve more than three lots cumulative.
- 4. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
- 5. Extraction of sand, gravel, and other materials.
- 6. Temporary uses such as circuses, carnivals, and similar activities.
- 7. Storage of material and equipment.
- 8. Other similar uses and activities provided they cause no increase in flood heights and/or velocities.

A Resolution to Provide Fauquier County's Comments on the Route 29 Corridor Study Preliminary Recommendations

RESOLUTION

A RESOLUTION TO PROVIDE FAUQUIER COUNTY'S COMMENTS ON THE ROUTE 29 CORRIDOR STUDY PRELIMINARY RECOMMENDATIONS

WHEREAS, the Route 29 corridor from the North Carolina line to Prince William County represents a major federal, state and local highway key to the Virginia economy and mobility; and

WHEREAS, the Commonwealth has determined that this corridor needs focused coordination and management for increasing safety and enhanced capacity in combination with and through network improvements and muli-modal transportation alternatives; and

WHEREAS, the County supports comprehensive and coordinated policy and state financial investment that helps ensure the continued viability of Route 29 as a major transportation corridor in the Commonwealth; and

WHEREAS, Fauquier County continues and expects to be a proactive participant throughout the Route 29 Corridor Plan (The Blueprint), Corridor Implementation Plan and Projects and Funding stages; and

WHEREAS, the adopted Fauquier County Comprehensive Plan calls for Route 29 to be maintained as a rural freeway; and

WHEREAS, on August 14, 2008, the Fauquier County Board of Supervisors passed a resolution to promote freight and passenger rail so as to decrease the number of trips per day along arterial roadways; and

WHEREAS, the Fauquier County Comprehensive Plan promotes the preservation of its local historic, environmental, and agricultural resources; and

WHEREAS, the County has reviewed the VDOT Preliminary Recommendations for the Route 29 Corridor Plan (The Blueprint) for consistency with its Comprehensive Plan, its vision for future land use and transportation systems, and official policies; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 8th day of October 2009, That the Fauquier County Board of Supervisors hereby supports the broader nine VDOT "corridor-wide recommendations" which intend to improve the operations and capacity of the overall Route 29 corridor; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors supports the proposed recommendations that reduce traffic demand through multi-modal transportation strategies, including rail and other public transit options; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors strongly opposes and requests immediate removal of the "Long-Term Planning Corridor" connecting Route 676 (Riley Road) to Route 15 in Prince William County since it:

- 1. Is not consistent with the adopted Chapter 6 Districts (transportation element of New Baltimore Service District Plan) and Chapter 8 Rural Areas Land Use Plan of the overall Fauquier County Comprehensive Plan;
- 2. Is contrary to the unanimous and consistently expressed Board of Supervisors opposition for any such 'by-pass' connection from Prince William County during VDOT/Parsons public information meetings, as well as VDOT/Parsons scheduled meetings with the Board;
- 3. Presents severe destruction to the National Register-eligible "Buckland Races" Civil War battlefield site whose limits and landscape have been verified through the requisite historic and technical studies, with easement recordation and other land use instrument activity increasing;
- 4. Presents significant impacts that are counter to the principles and major multi-state initiative represented by The Journey Through Hallowed Ground National Heritage Area; and
- 5. Represents a determined avoidance to incentivize and operationally improve the corridor safety and operational capacity, within the existing confines of the Route 15 and Route 29 alignments, through a more multi-jurisdictional, disciplined and coordinated land use and decision-making process;
- 6. Rewards unconditionally the historic consumptive land use and "business as usual" approach which unfortunately allows the continuation of this development pattern; and

7. Targets our highly protected Rural Agriculture (RA) zoned land as the long-term relief valve for the existing, pending and future development barriers that the latter two corridors face in Prince William County.

A Resolution to Authorize the Grant of an Easement Across Property Subject to a County-Held Conservation Easement

RESOLUTION

A RESOLUTION TO AUTHORIZE THE GRANT OF AN EASEMENT OVER PROPERTY SUBJECT TO A COUNTY-HELD CONSERVATION EASEMENT

WHEREAS, Thomas H. Thorpe owns property described as Parcel Identification Number 7839-44-7577 which is bisected by a 100- foot power line right of way easement held by Dominion Virginia; and

WHEREAS, the power line right-of-way deed acquired by Dominion, which predates the County conservation easement, sets forth restrictions on construction within the existing right-of-way; and

WHEREAS, Dominion seeks to acquire a new right-of-way from Thomas H. Thorpe, which will permit aerial encroachment into the area encumbered by the County's conservation easement in the same location as the current right-of-way easement; and

WHEREAS, Dominion and Thomas H. Thorpe have requested that the County agree to allow Dominion to acquire a new right- of- way within the County's conservation easement; and

WHEREAS, to ensure the safety of Dominion's transmission line and facilities, Dominion needs the right to trim, fell, cut or remove any tree, limb, shrub, landscaping, vegetation or crop which is located outside of Dominion's easements, which in the opinion of Dominion's certified arborist, may endanger the safe or proper operation of Dominion's transmission line and facilities because (1) if the tree, limb, shrub, landscaping, vegetation or crop fell, it would fall within ten (10) feet of a conductor on Dominion's transmission line and facilities; or (2) the tree, limb, shrub, landscaping, vegetation or crop demonstrates signs of physical defects, e.g. root disease, stem decay, leaning trees, weak crotches or cracked stems, and if it fell, it would cause a healthy tree to fall within ten (10) feet of a conductor on Dominion's transmission line and facilities; and

WHEREAS the County has reviewed the proposed construction plan and determined that there will be no structure located on the ground within the existing right- of- way encumbered by the County's conservation easement, determined that the County's conservation easement is not converted or diverted by the proposed plan, and determined that the agricultural resource protected by the Count's conservation easement will be less impacted by the proposed plan than by the existing structures which are located within the area subjected to the conservation easement; and

WHEREAS, the County's conservation easement prohibits the construction of structures on the property subject to the easement other than certain residential and agricultural structures; and

WHEREAS, the County's conservation easement does not preclude aerial incursion into the conservation easement, the cutting of trees or clearing activity within the area encumbered by the conservation easement, which is to constitute a "clear zone" or buffer from the power line, and the proposed plan therefore would not constitute a conversion or diversion of the open space in accordance with the terms of the conservation easement, provided that no towers or other structures are erected on the ground located within the area encumbered by the County's conservation easement; and

WHEREAS, Dominion has confirmed that no structures would be constructed on the ground within the area encumbered by the conservation easement; and

WHEREAS, the elimination of structures within the area encumbered by the County's conservation easement will lessen the impact of the existing right of way on the agricultural use of the property preserved by the conservation easement such that the County's interest therein is not adversely affected by the subordination requested by Dominion, and the County therefore releases any claim to compensation from the landowner for the diminution in value of its interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October, 2009, That the County hereby agrees to subordinate its conservation easement to Dominion to allow Dominion to acquire a new right of way within the County's conservation easement which will permit aerial encroachment into the County's conservation easement, subject further to the condition that no such subordination shall authorize the construction of transmission towers or other structures on the ground, but may authorize aerial intrusion into the area currently subjected to the Dominion right- of- way easement as well as the clearing, mowing and maintenance of the land to provide for the use of the land as a "clear zone" or buffer from the proposed transmission line; and, be it

RESOLVED FURTHER, That to ensure the safety of Dominion's transmission line and facilities, the County hereby authorizes Dominion to, in its reasonable discretion, trim, fell, cut or remove any tree, limb, shrub, landscaping, vegetation or crop which is located outside its easement area, which in the opinion of Dominion's certified arborist, may endanger the safe or proper operation of Dominion's transmission line and facilities because (1) if the tree, limb, shrub, landscaping, vegetation or crop fell, it would fall within ten (10) feet of a conductor on Dominion's transmission line and facilities; or (2) the tree, limb, shrub, landscaping, vegetation or crop demonstrates signs of physical defects, e.g. root disease, stem decay, leaning trees, weak crotches or cracked stems, and if it fell, it would cause a healthy tree to fall within ten (10) feet of a conductor on Dominion's transmission line and facilities; and

RESOLVED FURTHER, That the County finds that the requested consent to Dominion to acquire a new right- of- way within the County's conservation easement does not constitute a

conversion or diversion of open space in accordance with the provisions of §10.1-1704 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the County releases its right to such compensation as it might otherwise be entitled to provided that all terms and conditions set forth in this resolution are satisfied by the requested subordination.

A Resolution to Authorize Danger Tree Removal on Property Subject to a Purchase of Development Rights Easement

RESOLUTION

A RESOLUTION TO AUTHORIZE DANGER TREE REMOVAL ON PROPERTY SUBJECT TO A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT

WHEREAS, Richard Wayne Arrington is the record owner of a parcel of land in Fauquier County, Virginia, described as Parcel Identification No. 7829-32-8352-000; and

WHEREAS, Richard Wayne Arrington and Linda G. Arrington are the record owners of a parcel of land in Fauquier County, Virginia, described by Parcel Identification No. 7829-21-2945-000; and

WHEREAS, both parcels are subject to Purchase of Development Rights (PDR) easements; and

WHEREAS, by a resolution of the Fauquier County Board of Supervisors dated August 13, 2009, the County authorized the relocation of Dominion's existing 100-foot easement on both parcels; and

WHEREAS, by a resolution of the Fauquier County Board of Supervisors dated August 13, 2009, the County authorized the grant of a 50-foot easement by Richard Wayne Arrington and Linda G. Arrington over the portion of both parcels subject to the PDR easements; and

WHEREAS, to ensure the safety of Dominion's transmission line and facilities, Dominion needs the right to trim, fell, cut or remove any tree, limb, shrub, landscaping, vegetation or crop which is located outside of Dominion's easements, which in the opinion of Dominion's certified arborist, may endanger the safe or proper operation of Dominion's transmission line and facilities because (1) if the tree, limb, shrub, landscaping vegetation or crop fell, it would fall within ten (10) feet of a conductor on Dominion's transmission line and facilities; or (2) the tree, limb, shrub, landscaping, vegetation or crop demonstrates signs of physical defects, e.g. root disease, stem decay, leaning trees, weak crotches or cracked stems, and if it fell, it would cause a healthy tree to fall within (10) feet of a conductor on Dominion's transmission line and facilities; and

WHEREAS, because the PDR easement does not preclude the cutting of trees or clearing activities, allowing Dominion to trim, fell, cut or remove any tree, limb, shrub, landscaping,

vegetation or crops is not a conversion or diversion of open space in accordance with the terms of the PDR easements; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That to ensure the safety of Dominion's transmission line and facilities, the County hereby authorizes Dominion to, in its reasonable discretion, trim, fell, cut or remove any tree, limb, shrub, landscaping, vegetation or crop which is located outside its easement area, which in the opinion of Dominion's certified arborist, may endanger the safe or proper operation of Dominion's transmission line and facilities because (1) if the tree, limb, shrub, landscaping vegetation or crop fell, it would fall within ten (10) feet of a conductor on Dominion's transmission line and facilities; or (2) the tree, limb, shrub, landscaping, vegetation or crop demonstrates signs of physical defects, e.g. root disease, stem decay, leaning trees, weak crotches or cracked stems, and if it fell, it would cause a healthy tree to fall within (10) feet of a conductor on Dominion's transmission line and facilities; and, be it

RESOLVED FURTHER, That the County finds that this authorization does not contravene its prior resolution of August 13, 2009; and, be it

RESOLVED FURTHER, That the County finds that this authorization does not constitute a diversion of open space in accordance with provision of § 10.1-1704 of the *Code of Virginia*; and, be it

RESOLVED FINALLY, That this resolution is contingent upon the final approval of the Arringtons.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Architectural Review Board Center District: Patricia Fitch was appointed for a four-year term that ends October 8, 2013.
- Parks and Recreation Board Center District: Wesley Kennedy was appointed for a four-year term that ends September 30, 2013.

SUPERVISORS' TIME

• Mr. Graham stated that former Board of Supervisors member Jimmy Green has recovered from a previous illness and is back in the community enjoying life again. Mr. Graham announced that on Saturday, October 10, 2009, is Catlett Day and he invited everyone to enjoy the several activities of the day. Mr. Graham announced this is National Fight Breast Cancer Month and he encouraged everyone to have their wives and loved ones schedule their regular physical examinations to check for any kind of cancer. Mr. Graham announced that the previously scheduled "We the

People" American Heritage function which had been cancelled due to inclement weather, has been rescheduled for Saturday, October 10, 2009, and he encouraged everyone to attend the event. Mr. Graham announced that a charity golf tournament is being organized to take place at Kastle Greens Golf Club on Monday, October 26, 2009, to benefit the Leonard family whose son must undergo a heart transplant, and added that anyone who is interested may register to play in the tournament, or make a donation, or volunteer to assist.

- Mr. Stribling announced that the Library Board has received approval for a TEA-21 grant from the Department of Transportation, to continue renovations of the Bealeton Branch Depot, and he appreciated the hard work and support of everyone involved. Mr. Stribling congratulated the Habitat for Humanity team for recently completing the Habitat House for the Poole family. He added that the unveiling of the new house will take place on Saturday, October 10, 2009, in Goldvein and he expressed his appreciation for all of the volunteer support and contributions to completion of the project.
- Mr. Schwartz announced that on October 17, 2009, the International Gold Cup will
 take place at Great Meadow beginning at 10:00 AM, and for those that prefer a
 different kind of horsepower, Porsche sports cars is one of the sponsors this year for
 the event.
- Mr. Nyhous extended his congratulations to Mr. Tim Burch, of Burch Builders in Warrenton, for being selected to participate in the network television series "Extreme Makeovers: Home Edition" during the demolition and reconstruction of a large home in Washington, DC, that will be used to serve inner city youth. He added that he hoped everyone who has an opportunity will watch the program when it airs in future.
- Mr. Trumbo announced that the Buckland Farm Market is now open for business. He
 congratulated the Coffey family for their persistence in getting it opened, as well as to
 the Smith family for assisting with finding a location, and he encouraged everybody
 to visit.

ANNOUNCEMENTS

• Mr. McCulla announced that on October 16, 2009, the notices of reassessment for real property will be mailed to the citizens of Fauquier County. He emphasized that this is not a tax bill, but instead it indicates what the value of your property will be for the next four years for tax purposes. Mr. McCulla added that if citizens are not happy with the reassessment, they will have an opportunity to meet with the Board of Assessors to discuss their concerns, or they may also appeal the property reassessment value to the Board of Equalization. Information about this process can be found on the notice itself, on the County website, and on the County government cable channel.

- Mr. McCulla announced that on Saturday, October 10, 2009, will be the annual Fall Farm Tour and Field Day featuring a number of farms in the center part of Fauquier County, as well as the new Buckland Farm Market on Route 29 in New Baltimore.
- Mr. McCulla announced that various Board members will be attending the annual Virginia Association of Counties meeting at the Homestead on November 8, 9, and 10, 2009.
- Mr. McCulla expressed his appreciation and congratulations to those that organized and participated in the sixth annual Working Together Committee charity golf tournament two weeks ago. He added that the Working Together Committee was able to raise \$6,000 from the event for charitable purposes.
- Mr. McCulla announced the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on November 12, 2009, in the Warren Green 1st Floor Meeting Room located at 10 Hotel Street in Warrenton, VA.

A PUBLIC HEARING TO CONSIDER A TAX EXEMPTION FOR MIDDLE EAST MINISTRIES

A public hearing was held to consider a request for exemption of the business personal property of Middle East Ministries. The property is valued at \$1,450.00 and the annual tax is \$67.51. Kevin J. Burke, County Attorney, summarized the application for business personal property tax exemption. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None Absent During Vote: None Abstention: None

ORDINANCE

AN ORDINANCE TO DECLARE BUSINESS PERSONAL PROPERTY OWNED BY MIDDLE EAST MINISTRIES EXEMPT FROM TAXATION

WHEREAS, Middle East Ministries is a 501(c)(3) organization owning business personal property in Fauquier County; and

WHEREAS, Middle East Ministries has requested an exemption from real and personal property taxation in order to permit it to be better able to use its financial resources for charitable purposes; and

WHEREAS, §8-71 of the County Code and §58.1-3651 of the Code of Virginia authorize the property of charitable organizations to be classified as exempt from taxation; and

WHEREAS, prior to granting a charitable organization an exemption from property tax the Board of Supervisors must conduct a public hearing and adopt an ordinance granting the exemption; and

WHEREAS, the Board of Supervisors has conducted a public hearing and determined that it is appropriate and in the public interest to classify the business personal property of Middle East Ministries to be exempt from taxation; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of October 2009, That the business personal property of Middle East Ministries be, and is hereby, declared exempt from taxation; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-600

A public hearing was held to consider a Zoning Ordinance text amendment related to civil penalties. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None Absent During Vote: None Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-600 RELATING TO CIVIL AND CRIMINAL PENALTIES

WHEREAS, the Zoning Administrator has been granted the authority by the Code of Virginia to utilize certain penalties for violations and infractions of the Fauquier County Zoning Ordinance, including both criminal and civil penalties; and

WHEREAS, the Zoning Administrator believes it would be beneficial to the enforcement program to broaden the allowed use of civil penalties under the Zoning Ordinance to include the further use of civil injunctions and civil fines; and

WHEREAS, on July 9, 2009, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, on August 29, 2009, the Planning Commission held a public hearing on the proposed text amendment and unanimously voted to forward the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on October 8, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 13-600 of the Fauquier County Zoning Ordinance supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of October 2009, that Section 5-100.4 be, and is hereby, amended as follows:

PART 6 13-600 VIOLATIONS, INFRACTIONS AND PENALTIES

13-601 <u>General Provisions</u>

- Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or contrary to any detailed statement of plan approved under the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.
- 2. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements thereof, or who erects any building or uses any building or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.
- 3. Upon becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator, or his/her deputy or any other employee of the Department of Community Development designated with such authority in writing by the Zoning Administrator, shall serve a notice of such violation on the person committing or permitting the same. The notice of violation shall require such violation to cease within such reasonable time as specified therein., and if If such violation is not ceased within such reasonable time as

is specified in the notice, then the Zoning Administrator may proceed to remedy the violation as provided in Section 602 or 603 below.

Such notice of violation shall include a statement informing the recipient of the right to appeal, which shall be final if not appealed within the timeframe specified for doing so.

- 4. In addition to the remedies provided in Par_agraph 3 above, the Zoning Administrator may initiate injunction, mandamus or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.
- When the owners of property zoned for residential, commercial 5. a. or agricultural purposes do not remove inoperable motor vehicles as provided in the Zoning Ordinance, the Zoning Administrator or the agent thereof may remove any such inoperable motor vehicles, trailers or semitrailers after giving reasonable notice of its intention to do so. After removing such vehicles and after additional reasonable notice, the County may dispose of such motor vehicles, trailers or semitrailers. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the County as taxes are collected and every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the County.
 - b. When the owners of property fail to remove trash, garbage, refuse, or litter in excess of 100 square feet of storage area as provided in the Zoning Ordinance and, whenever such trash, garbage, refuse, litter and other like substances might endanger the health of other residents of the locality, after reasonable notice, the Zoning Administrator or the agents thereof may remove such trash, garbage, refuse, or litter and the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected.
- 6. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction, the Zoning Administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction; if such sworn testimony establishes probable cause that a Zoning Ordinance violation has occurred, the Zoning Administrator or his agent may request that the magistrate or court grant such inspection warrant to enable the Zoning Administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the Zoning Ordinance exist. The Zoning Administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

13-602 <u>Criminal Violations and Penalties</u>

1. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Ordinance, referenced in Par. 2 below. Any violation of the provisions of this Ordinance other than those set forth in Section 603 below, shall be deemed a misdemeanor and, upon conviction thereof, Any person who is convicted of a violation of any provisions of this Ordinance shall be punished by a fine of not less than \$10.00 and not more than \$1,000.00. Every date that a violation continues shall be deemed a separate offense. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the Zoning Ordinance within a time period established by the court. Failure to remove or abate such violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 and not more than \$1,000.00, and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period punishable by a fine of not less than \$100.00 and not more than \$1,500.00.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in a single family residential dwelling shall be punishable by a fine of up to \$2,000.00. Failure to abate the violation within the specified time period shall be punishable by a fine of not more than \$5,000.00, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$7,500.00. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55 of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in a single family residential dwelling shall not be punishable by a jail term.

2. The following violations shall be treated as criminal penalties:

- A. Any sign posted on public property or in public rights of way in contravention of this Ordinance;
- B. Any land development activity without applicable permit;
- C. Any violation of the provisions of this Ordinance that results in physical harm or injury to any person.
- 2. The remedy provided for in this Section shall be in addition to any other remedies provided by law; however, the designation of a particular violation of this Ordinance as an infraction pursuant to Section 603 below, shall preclude criminal prosecution of sanctions, except for any infraction also resulting in injury to any person or persons.

3. When civil penalties identified in Section 13-603 below total \$5,000.00 or more for any particular violation, the violation may be prosecuted as a criminal misdemeanor, as provided within \$ 15.2-2209 of the Code of Virginia. Treatment as criminal penalties Prosecution of a particular violation as a criminal offense shall not preclude the Zoning Administrator from pursuing injunctive action.

13-603 Infractions and Civil Penalties

1. Any violation of the following provisions of this Ordinance shall be deemed an infraction and shall be punishable by a civil penalty of \$100.00:

A. 2-302, 4, 5, 6, 7 and 9

B. 2-508 (Inoperable vehicle)

C. 2-510 (Sale from vehicle)

D. 2-512 (Keeping of animals

E. 13-501 (Zoning permit required)

- Except in cases of the violation of any provisions of the Zoning Ordinance listed in Section 13 602 above, any violation of the All violations of the provisions of this Ordinance shall be deemed a civil infraction, except for the following:
 - A. <u>Any sign posted on public property or in public rights-of-way in</u> contravention of this Ordinance;
 - B. Any land development activity without applicable permit;
 - C. <u>Any violation of the provisions of this Ordinance that results in physical</u> harm or injury to any person.
- 2. Each day during which any violation of the provisions enumerated in Par. 1 above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operating facts be charged more frequently than once in any ten (10) day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \$3,000.00.
- 2. Each infraction listed in Par. 1 above shall be punishable by a civil penalty of \$200.00. Additional penalties of \$500.00 may be charged for the violation no more frequently than once in any ten (10) day period, provided that no violation arising from the same set of operative facts shall be charged a total penalty exceeding \$5,000.00.
- 3. The designation of a particular violation of this Ordinance as an infraction pursuant to Par. 1 above shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation

shall preclude the prosecution of a violation as a criminal misdemeanor. except that when civil penalties for any such infraction total \$5,000.00 or more, the violation may be prosecuted as a criminal misdemeanor as provided within the Code of Virginia. Treatment as criminal penalties shall not preclude the Zoning Administrator from pursuing injunctive action.

- 4. After having served a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in 1 above and if such violation has not ceased within such reasonable time as is specified in such notice, then, upon the approval of the County Attorney, the Zoning Administrator shall cause two (2) copies of a summons to be personally served upon such persons.
- 4. The Zoning Administrator or his/her deputy, or any other employee of the Department of Community Development designated with such authority in writing by the Zoning Administrator, may issue a civil summons for any infraction as set forth in Par. 1 above.
- 5. Such summons shall contain the following information:
 - A. The name and address of the person charged.
 - B. The nature of the infraction and the Ordinance provision(s) being violated.
 - C. The location, date and time that the infraction occurred or was observed.
 - D. The amount of the civil penalty assessed for the infraction.
 - E. The manner, location and time in which the civil penalty may be paid to the County.
 - F. The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.
- 6. The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the <u>Fauquier</u> County <u>Department of Community Development Office of the Treasurer at least seventy two (72) hours prior to the time and date fixed for trial, and such appearance, may enter entering a waiver of trial, admitting liability and paying the civil penalty established for the offense charged <u>at such time</u>. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any person.</u>
- 7. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the <u>Fauquier County</u> General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

- 8. In any trial for a violation subject to civil penalties as authorized by this section, it shall be the burden of the County to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the Zoning Ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.
- <u>9</u>. The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-314.6 AND 5-1407

A public hearing was held to consider a Zoning Ordinance text amendment relating to motor vehicle impoundment and towing businesses. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None Absent During Vote: None Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-314.6 AND 5-1407 RELATING TO MOTOR VEHICLE IMPOUNDMENT AND TOWING BUSINESSES

WHEREAS, on July 9, 2009, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, on August 27, 2009, the Planning Commission held a public hearing on the proposed text amendment; and

WHEREAS on August 27, 2009, the Planning Commission unanimously voted to forward the proposed text amendment, as amended, to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on October 8, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 3-314.6 and 5-1407 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of October 2009, That Sections 3-314.6 and 5-1407 be, and are hereby, amended as follows:

					R		R	R	R			M						
	Site			RR-	-		-	-	-	T	G	D						
	Plan	RA	RC	2	1	V	2	3	4	Н	A	P	C-1	C-2	C-3	CV	I-1	I-2
3-314 MOTOR VEHICLE RELATED																		
USES (CATEGORY 14)															•	•		
1. Car wash	X												SP	P	SP	SP		
2. Vehicle part sales, installation																		
(not including repair garage)	X												SP	P		SP	P	
3. Auto repair garage	X												SP	P	SP	SP	P	SE
4. Auto service station	X												SP	P	SP	SP	SP	
5. Auto body/painting establishments	X													P		SP	P	P
6. Motor vehicle impoundment, towing																		
<u>a</u> . (max. of 10 vehicles), towing business	X												SP	SP			P	P
b. max. of 30 vehicles	<u>X</u>																<u>P</u>	<u>P</u>
c. more than 30 vehicles	<u>X</u>																<u>SP</u>	<u>SP</u>
7. Junkyard/automobile graveyard	X																	SE
8. Automobile sales, rental and																		
service (including motorcycles and																		
recreational vehicles)	X												SP	P	SP	SP	SP	
9. Truck and heavy equipment sales,																		
rental and service	X													P			P	SP
10. Farm equipment sales, rental and																		
service	X		SP	SP									SP	P		SP	P	SP
11. Mobile home sales, rental and																		
	v											S		CD				
service	X				-							P		SP			GD.	GD.
12. Motor vehicle wash	X												an.				SP	SP
13. Recreational Vehicle Storage Area	X												SP	P			P	SE
14. Automobile Inventory Storage	X																	SP

5-1407 Motor Vehicle Impoundment, Towing Business

- 1. Storage of vehicles may not occur in any required yard.
- 2. All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.
- 3. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather dustless surface.
- 4. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
- 5. Impoundment areas shall be fenced.

- 6. When located in the C-1 and C-2 zoning districts:
 - A. Impoundment areas shall be limited to the temporary storage of no more than ten (10) vehicles per property;
 - <u>B.</u> Impoundment areas shall be located and/or buffered to be entirely screened from view from the adjoining properties and streets.
- 7. When located in the I-1 and I-2 Districts, and temporarily storing more than thirty (30) vehicles:
 - A. Impoundment areas shall be limited to the temporary storage of no more than ten (10) vehicles per acre.
 - B. Impoundment areas shall be located and/or buffered to be entirely screened from view from the adjoining properties and streets.

SPECIAL EXCEPTION #SPEX10-CR-004 - SCHOOL BOARD OF FAUQUIER COUNTY (OWNER) / FAUQUIER COUNTY PUBLIC SCHOOLS (APPLICANT) - SOUTHEASTERN ALTERNATIVE SCHOOL

A public hearing was held to consider an application to obtain a Category 5 Special Exception to allow for the construction of an additional building for school use. The property is located at 4484 Catlett Road, in Cedar Run District, further identified as PIN #7911-30-8998-000. Susan Eddy, Chief of Planning, summarized the application for Special Exception. Janice Bourne, Assistant Superintendent of Schools, requested favorable consideration of the application on behalf of the School Board. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SOUTHEASTERN ALTERNATIVE SCHOOL SPEX10-CR-004 – CATEGORY 5 SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF AN ADDITIONAL BUILDING FOR SCHOOL USE

WHEREAS, the Fauquier County School Board, owner and Fauquier County Public Schools, applicant, is seeking Special Exception approval to allow for the construction of an additional building for school use on PIN #7911-30-8998-000; and

WHEREAS, on September 24, 2009, the Fauquier County Planning Commission held a public hearing on the Special Exception request and unanimously recommended that the application be approved, subject to conditions; and

WHEREAS, on October 8, 2009, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006, and 5-500; and

WHEREAS, the Board of Supervisors also grants approval for a waiver of Zoning Ordinance Section 5-504.2; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of October 2009, That SPEX10-CR-004 be, and is hereby, approved, subject to the following conditions:

- 1. This Category 5 Special Exception Amendment (SPEX10-CR-004) is granted for and runs with the land indicated in this application (PIN #7911-30-8998-000) and is not transferable to other land.
- 2. The school use for the entire site shall be allowed.
- 3. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with this application, as qualified by these Development Conditions.
- 4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
- 5. No new structures shall be constructed or located within 100 feet of any adjoining property line, which is in a Rural or Residential zoning district.
- 6. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
- 7. The applicant shall satisfy and meet the Virginia Department of Transportation (VDOT) requirements for school entrances.
- 8. With the approval of this Special Exception Amendment, future renovations, additions, or minor improvements to school facilities shall be allowed to proceed as Site Plan Amendments.

<u>COMPREHENSIVE PLAN AMENDMENT CPAM09-SC-007 – NEW BALTIMORE TRIANGLE COMPREHENSIVE PLAN AMENDMENT</u>

A public hearing to consider an amendment to Comprehensive Plan Chapter 6 – Service Districts – New Baltimore Service District Plan – to amend the land use plan, the transportation plan and associated text for the area east of Lee Highway (Routes 15/29), west of Grays Mill Road (Route 674) and north of and including the Mill Run Business Park. Holly Meade, Senior

Planner, summarized the proposed amendment. Clayton Lescalleet, Scott District, spoke in support of the proposed amendment. J.L. Combemale, New Baltimore resident, spoke in support of the proposed amendment. Peter Karanovich, a resident of Grays Mill Road, asked the Board to consider adding a dead-end at the end of Route 29 and Grays Mill Road, or install a "Caution Children at Play" sign. Christine Pegler, resident of Grays Mill Road, spoke in opposition to the comprehensive plan amendment. William Tapp, resident of Grays Mill Road, spoke in opposition to the comprehensive amendment. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B.

Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None Absent During Vote: None Abstention: None

ORDINANCE

AN AMENDMENT TO COMPREHENSIVE PLAN CHAPTER 6 – SERVICE DISTRICTS – NEW BALTIMORE SERVICE DISTRICT PLAN (CPAM09-SC-007) - TO AMEND THE LAND USE PLAN, THE TRANSPORTATION PLAN AND ASSOCIATED TEXT FOR THE AREA EAST OF LEE HIGHWAY (ROUTES 15/29), WEST OF GRAYS MILL ROAD (ROUTE 674) AND NORTH OF AND INCLUDING THE MILL RUN BUSINESS PARK

WHEREAS, on February 26, 2009, the Fauquier County Planning Commission initiated this amendment; and

WHEREAS, on July 30, 2009, the Fauquier County Planning Commission held a public hearing on this amendment; and

WHEREAS, on September 10, 2009 and October 8, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Comprehensive Plan Chapter 6 – Service Districts – New Baltimore Plan, clarifies the Office Park vision for this area of the New Baltimore Service District and supports good planning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of October 2009, That Comprehensive Plan Chapter 6 – Service Districts – New Baltimore Service District Plan, be, and is hereby, amended as follows:

Future Land Use: To update existing chart on page 14:

Table 1: Existing and Planned Land Use by Acre

	Acreage Estimate ¹	Potential Dwelling							
		Units							
North of South Run									
Commercial Business	<u>97</u>								
Commercial	<u>26</u>								
Neighborhood									
Neighborhood Center ²	120	360							
Village Center ³	701	324							
Institutional/Open space	64								
Residential									
1 du/acre	239	215							
3 du/acre	173	408							
,									
South of South Run									
Comm Neighborhood	7								
Industrial - Light	7370								
Office Park	18								
Institutional/Open space	26								
Residential									
E. of Rt. 676	1,169	603							
W. of Rt. 676	2,7732,791	1,9201,941							
Brookside	440	601							
Snow Hill	706	635							
TOTAL	6,629	<u>5,087</u>							
du - dwelling units									

Objectives, Policies & Implementation Strategies - To update Commercial Land Use section beginning on page 18:

¹ Floodplain is not included in this acreage estimate.

² Neighborhood Center is intended for a mix of residential and commercial uses, with residential units not to exceed 3 units per acre.

³ The residential, commercial, industrial and Village Center development for Vint Hill Village Center is limited by 400,000 gpd of sewer. Vint Hill EDA plans are currently for 324 residential units.

Commercial Land Use

Five (5) Four (4) types of commercial areas are planned within the Service District. They include Commercial Business, Commercial Neighborhood, and Neighborhood Center, and Office Park and Village Center land use categories as defined below:

- Commercial Business contains general commercial uses where vehicle access is the norm. The district should serve the needs of both the local community and the motoring public. Needs to adjoin U.S. 15/29 and the area shall be limited to that as presented in the Land Use Plan.
- Commercial Neighborhood this area is generally a town business center type
 district allowing neighborhood commercial activities, service convenience
 shopping, and limited-residential uses. The areas designated in the Land Use
 Plan should be located so as to provide pedestrian access to and from nearby
 neighborhoods. The size should relate to the neighborhoods it serves, and the
 configuration should allow for internal pedestrian movement.
- Neighborhood Center this category is planned to provide a limited range of commercial retail, service and office uses, as well as civic and residential uses. These uses should generate traffic/parking impacts characteristic and compatible with local neighborhoods and schools. (Refer to Table 2.) This designated area of New Baltimore should be built to serve the existing and planned neighborhoods. The following elements comprise the neighborhood vision for the area:
 - Walkability: The area should be designed and built with the pedestrian in mind, complete with sidewalks, crosswalks, and pedestrian connections to surrounding neighborhoods.
 - Mixed-Uses: A neo-traditional mixture of commercial, business, institutional and residential is strongly encouraged. Segregated land uses are discouraged within the Neighborhood Center.
 - o Residential density up to 3 units per acre may be considered, including: single-family detached, apartments and condos. Apartments and/or condominium units are encouraged above commercial space. These units should provide a mix in size (e.g., between 600 and 1200 square feet and 1 and 2 bedrooms.). A mix of residential with commercial will provide an element of safety and viability for the area.
 - O Workforce Housing: Workforce housing should be present in this neighborhood to provide housing opportunities for a labor force that makes 80% or less of the median family income in Fauquier County. In addition, the dwelling units should be priced so that the total housing costs (including taxes and insurance) do not exceed 30% of the gross

- household income. These standards are set forth by the Fauquier Housing Corporation, a local non-profit organization.
- Building Scale: Building footprints should not exceed 12,500 square feet and not exceed a total of 25,000 square feet. The maximum height should not exceed 35 feet.
- O General Design: Rear, side and below-grade parking, as well as shared parking should be considered. Low Impact Development (LID), green building design, landscaped streets, parking lots with street trees and sidewalk trees should be addressed in each site design. Reduced setbacks are encouraged where appropriate using flexibility in Zoning Ordinance to help achieve a pedestrian-friendly, neo-traditional design.
- Village Center this land use category marks the area envisioned to serve the New Baltimore Service District in the Vint Hill environs as presented in the Land Use Plan and described in the Vint Hill section (refer to Community Expectations). This land use category is more neo-traditional in design with a pedestrian orientation and is expected, for example, to include a grocery store, restaurants, cinema, neighborhood styled shops, retail and office space, mixes of 2nd and 3rd floor apartments and condominium units, single-family attached units (with some provision for workforce housing), with a mix of parkland and other civic uses and activities.
- Office Park A new office park is planned adjacent to the industrially zoned Mill Run Business Park. The office park land use category could include a mix of business, education, recreation, personal services, and public and quasi-public uses so long as it remains primarily an office park. While some retail and personal services can be included (such as an eating establishment, laundry, or dry cleaners, barber or beauty shop, financial institution and/or a small printer), these are meant to satisfy the needs of employees and customers in the business park and the adjacent industrial area. Retail and personal services should not occupy more than 20% of the total building square footage. Drive-throughs shall only be allowed for a bank. Ideally, retail and personal services should be located on the ground floor of office buildings. In addition, small civic or public spaces, including an outdoor pocket park, are sought to provide a benefit and focal point for residents in the surrounding neighborhoods.

The new office park will have a transportation network integrated with the Mill Run Business Park. There will be only two access points on Route 29 between the current intersection with Grays Mill Road and the western end of the Mill Run Business Park. One access point will be a signalized full intersection at Old Alexandria Turnpike. The second will be a new right-in/right-out on Route 29 (See Figure 3). Elimination of all other access points will allow for better and safer traffic movement on Route 29. There will be two access points on Grays Mill Road, (See Figure 3). This will allow residents in the neighborhoods along

Grays Mill Road safe access to Route 29. The current intersection of Grays Mill Road and Route 29 will be relocated once the two new intersections on Route 29 are completed and road connections are made to Grays Mill Road. Residentially planned lots along Grays Mill Road will continue to be allowed individual access to Grays Mill Road.

Detailed planning for these transportation improvements must include the following:

Traffic Impact Analysis (TIA): this study must assess the level of service (LOS) impacts with the improvements as identified above (U.S. 15/29 intersections with Old Alexandria Pike and Grays Mill Road - Rt. 674); U.S. 15/29 intersections with Snow Hill Drive, Baldwin Street - Rt. 673, Briggs Road, and Fosters Fork Road - Rt. 673; and Old Alexandria Pike - Rt. 693 intersections with Georgetown Road - Rt. 674, Briggs Road and Snow Hill Drive.

The TIA will also need to include recommendations regarding roadway design to correct any turning movement and other safety issues identified. These recommendations will need to be integrated into subsequent construction plans. The TIA is expected to review: (a) the feasibility of access management designs along U.S. 15/29 in this area and whether such options allow key intersections to operate safely and at adequate levels of service without signalization; and (b) the need to upgrade the single lane bridge on Rt. 693 or to retain the facility in that one–lane configuration for traffic calming purposes;

2. Signal Warrant Study: establishes that the Rt. 693/U.S. 15/29 intersection meets VDOT warrants for signalization. As a result of this signal location, such a study is also expected to determine whether the planned location of a signal at the Baldwin Street (Rt. 673) intersection with U.S. 15/29 is still needed in the future.

The office park shall be designed and built with the pedestrian in mind, complete with sidewalks, crosswalks, and pedestrian connections to the surrounding residential neighborhoods and commercial and industrial sites. A trail will be required in the general location shown in the Service District Trails Plan (Figure 8) or integrated within the development incorporating the site's natural features.

Buildings in the new office park, and in the three acres added to the industrial area in 2009, will be inwardly focused. Buildings shall front internal streets, not Route 29 nor Grays Mill Road. Development should follow a traditional pattern with buildings close to the street and parking relegated to the back of buildings. Building heights shall be limited to 40 feet. Buildings façades should primarily be built with masonry or wood siding. All buildings shall have an architectural style generally consistent with the traditional vernacular of the Virginia Piedmont.

The layout of the office park will respect the important natural features of the site, including the drainageway. Development shall be designed so that flooding and stormwater run-off on adjacent properties are reduced.

Landscaping will play a significant role in the development of the office park and the three acres added to the industrial area in 2009. Dense landscaping will screen the businesses park from Route 29. Route 29 in this area is part of the Journey Through Hallowed Ground. It is critical that this office park not be a visual obtrusion along the Journey Through Hallowed Ground. Additional landscaping, above Zoning Ordinance requirements, shall also be provided along Grays Mill Road. Internal to the office park will be street trees, landscaped plaza areas, and parking lot landscaping. All lighting shall be inwardly directed and not obtrusive to the nearby residences.

Signage shall also be inwardly focused. Signs should be visible from the internal streets, not from Route 29 nor Grays Mill Road. The only signage allowed to be visible from Route 29 shall be a maximum of two monument signs at the two intersections with Route 29. All freestanding signs on the site shall be monument signs, a maximum of eight feet in height. All signs in the business park shall be externally illuminated.

The office park and industrial area will be within the water and sewer service areas. In order to accommodate and attract contemporary businesses, the office park should include up-to-date communication facilities such as fiber optics and wi-fi.

<u>Transportation – To update "Recommendation 3" beginning on page 44:</u> Primary Road Recommendations

Recommendation 3: Road Link Improvements

In the long-term, U.S. 15/29 is planned as a rural freeway through the County with limited access. The VDOT Safety Improvement Plan for Crossovers for U.S. 15/29 is one implementation step. The planning and construction of collector and service roadways is another option providing properties safe access to this major regional highway. The following represent two areas needing priority attention over the next 5-year planning period:

1) Reconfiguration of the Old Alexandria Pike (Route 693) and U.S. 15/29 Intersection with the addition of a traffic signal.

Traffic volume on Lee Highway at this location in 2009 exceeds 45,000 trips daily, accidents are on the rise, and the residential and business communities are experiencing more difficulty in safely accessing their property or leaving and returning home from work, shopping and similar trips.

In 2002 2009, the Board of Supervisors approved an amendment to the Service District Plan for this location. The concept is to provide a properly structured intersection at Route 693 that would replace the one at Telephone Road. This action would resolve problem left and u-turn traffic conditions which impact significantly increasing traffic volumes on U.S. 15/29. A planned industrial park and office park on the west side of U.S. 15/29 will provide the essential collector roads for the affected properties at that location (Refer to Figure 3 for the alignment).

Special attention also needs to focus on the bridge upgrade/replacement need and essential improvements needed for this historic road leading to the Village of New Baltimore which is on both the Virginia Landmarks and National Register of Historic Places.

To add to **Primary Road Improvements Priorities** on Page 47:

Priority 5: Initiate, through a public process, the preliminary transportation improvement planning along the U.S. 15/29 corridor, between the future interchanges planned for Rt. 215/29 and Rt. 605/29.

Priority 6: Reconfiguration of the Old Alexandria Pike (Route 693) and U. S. 15/29 Intersection with the addition of a traffic signal.

There is a need for consulting services, in conjunction with VDOT, to complete an Access Management/Corridor Study along U.S. 15/29 from the Culpeper County line to the Prince William County line. If the objective is ultimately to have this corridor through Fauquier County become a rural freeway in status, then significant work needs to commence. If implemented, such a study becomes the collaborative Community, VDOT, and Fauquier County building blocks essential to U.S. 15/29 becoming a designated limited access thoroughfare. Access management simply represents the systematic control of the location, spacing, design and operation of driveways, median openings, interchanges and street connections to a key roadway.⁴ This study will identify how to achieve limited access designation for this corridor, including proposed interchange and bridge locations, interparcel connection options, service roads, recommended phasing of essential improvements, option costs, and other associated topics that need consideration in such a complex project. Without such a plan along U.S. 15/29, which requires community involvement and support, the objective of limited access becomes more difficult, costly and impractical. This longterm planning effort results in the preliminary location of an interchange on U.S. 15/29 in the general vicinity of Rt. 600. This VDOT and community study would also focus on any long-term alignment adjustments of U.S. 15/29 within this study area. The Board of Supervisors currently supports the use of existing rights-of-way for future lane expansions.

The U.S. 15/29 upgrade within the existing rights-of-way or a relocation option within the study area will significantly alter access between the planned and high volume limited access roadway and adjacent existing or future residential and businesses on the south side

⁴ Access Management Manual (Transportation Research Board of the National Academies, ISBN 0-309-07747-8; 2003) p.3.

and eastside on both sides of U.S. 15/29. A more detailed business planning study should be performed to further clarify land use and circulation elements along this corridor. This planning effort would allow for street widths, land use types/densities and other amenities to be established as guidelines for the development of this area, and to assure the essential right-of-way needed for future U.S. 15/29 construction is not constrained.

The Rappahannock-Rapidan Regional Commission will serve as the regional coordinator for inter-jurisdictional transportation studies.

To Update Road Classifications and Design Table (Primary Roads section) beginning on page 49:

Table 5: Road Classifications and Design

		PRIORITY	R-	O-W	GENERAL PROJECT DESCRIPTION ⁵
RO	AD CLASSIFICATION	RANKING	EXISTING	PROPOSED	
В.	PRIMARY ROADS				
√	Interchange Study: U.S. 15/29 and Rt. 215; and	1	160 ± feet		Project Description (U.S. 15/29 & Rt. 215): 1. Preliminary design and location for a grade separated interchange, including the VDOT location hearing, and location
✓	Interchange Study: U.S. 15/29 and Rt. 605				selection; 2. Initiation of the interchange design phase; 3. Funding sources: Federal Highway Funding and VDOT Primary Road Funds. Project Description (U.S. 15/29 & Rt. 605): Same steps as above and implemented as the second project.
	Rt. 215/Rt. 652 (Vint Hill Collector)	2	50 feet		Signal installation timed with the Brookside Parkway connection and intersection improvements, as warranted.

✓ Route 215 Corridor	3	50 feet	110 feet	Initiate the improvement plan for the Route 215 corridor from Vint Hill to the U.S. 15/29 interchange. These improvements are consistent with the Prince William Comprehensive Plan, which shows Rt. 215 as a 4-lane divided highway from the Fauquier County line to Rt. 28. Preliminary planning for the 4-lane requirements of Rt. 215, r-o-w acquisition requirements, phasing of improvements will need to include the entire primary road from the Prince William County line to U.S. 15/29. Fauquier County will coordinate road improvements with Prince William County. Once an interchange location is finalized for U.S. 15/29 and Route 215, the existing intersection needs to be considered for closure.
✓ Rt. 29/Rt. 676 Signalization	4			Signalization: when warranted as a result of traffic volumes and other associated factors.
✓ Rural Freeway U.S. 15/29 Corridor Study ⁶	5			Obtain consulting services, in conjunction with VDOT, to complete an Access Management/Corridor Study along U.S. 15/29 from the Culpeper County Line to the Prince William County Line. Attention will be given to the stretch of this Rural Freeway from the Route 605 area to Prince William County. Such a study becomes the Community, VDOT, and Fauquier County building blocks essential to U.S. 15/29 becoming a designated limited access thoroughfare.
				The proposed study will identify how to achieve limited access designation for this corridor, including proposed interchange and bridge locations, interparcel connection options, service roads, recommended phasing of essential improvements, option costs, and other associated topics that need consideration. Without such a plan along U.S. 15/29, which requires community involvement and support, the objective of limited access becomes more difficult, costly, and impractical.
				The Rappahannock-Rapidan Regional Commission will serve as the regional coordinator for inter-jurisdictional transportation studies.

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⁶ This section will be updated as necessary with special studies commissioned by the Fauquier County Board of Supervisors for Route U.S. 15/29

Ale: 693 Inte	configuration of Old xandria Pike (Rt.) and U.S. 15/29 crsection with nalization	6	Signalization: when warranted as a result of traffic volumes and other associated factors. When new road network and signal are in place, Telephone Road will be cul-de-saced at Telephone Road and Route 29/15; and Gray's Mill Road (Route 674) will be relocated.

Update Figure 1, Land Use Plan:

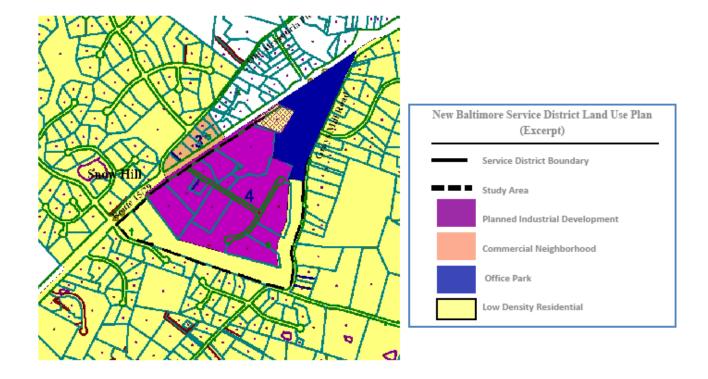
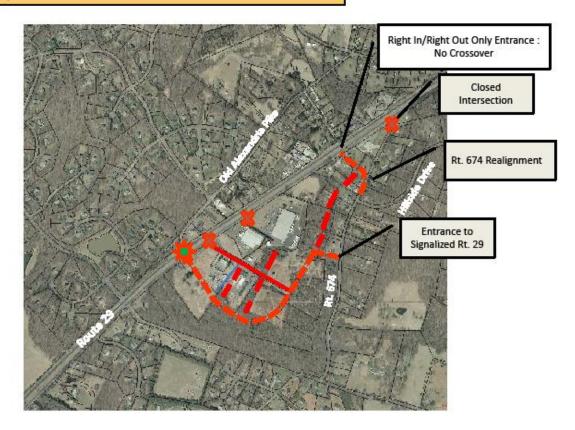
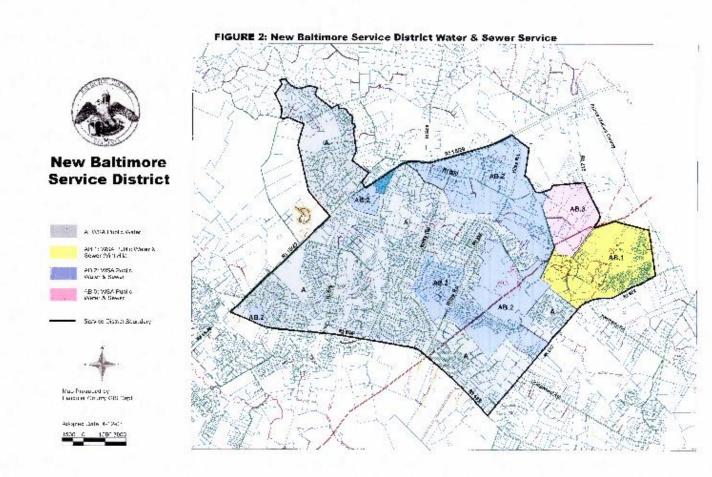
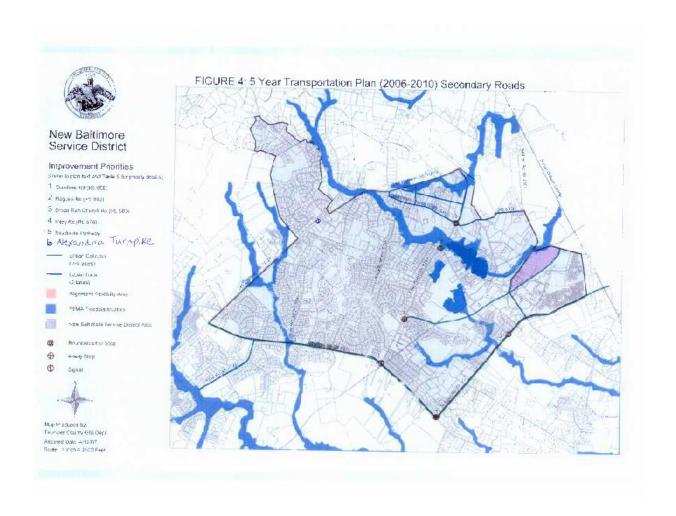


Figure 3, Transportation for Buildout







With no further business, the meeting was adjourned at 7:33 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 8, 2009.

Paul S. McCulla Clerk to the Board of Supervisors